

H 4870

CONGRESSIONAL RECORD — HOUSE

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The vote was taken by electronic device, and there were—yeas 321, nays 64, not voting 48, as follows:

[Roll No. 233]

YEAS—321

Abdnor	Ford, Gerald R.	Mazzoll	Taylor, N.C.	Walsh	Wolff
Abzug	Forsythe	Meeds	Teague, Calif.	Wampler	Wright
Addabbo	Fountain	Meicher	Thomson, Wls.	Whalen	Wyatt
Anderson,	Fraser	Metcalfe	Thone	Whitehurst	Wydler
Calif.	Frenzel	McCzvinsky	Thornton	Whitten	Yates
Anderson, Ill.	Frey	Michel	Tiernan	Widmull	Young, III.
Andrews, N.C.	Fulton	Milford	Udall	Williams	Young, Tex.
Andrews,	Fuqua	Miller	Ullman	Vander Jagt	Zablocki
N. Dak.	Gaydos	Mills, Ark.	Vanik	Veysey	Zion
Annnunzio	Gettys	Minish	Vigorito	Wilson, Charles H., Calif.	Zwach
Arends	Grimo	Mink	Waldie	Wilson, Charles, Tex.	
Armstrong	Gibbons	Mitchell, Md.		Winn	
Ashley	Ginn	Mitchell, N.Y.			
Barrett	Goldwater	Mizell			
Bell	Gonzalez	Moakley			
Bergland	Gooding	Mollohan			
Bevill	Grasse	Moorhead, Pa.			
Biaggi	Gray	Morgan			
Blester	Green, Oreg.	Murphy, Ill.			
Bingham	Green, Pa.	Murphy, N.Y.			
Blatnik	Griffiths	Myers			
Boggs	Grover	Natcher			
Bolling	Gubser	Nedzi			
Bowen	Gude	Nelsen			
Brademas	Gunter	Nichols			
Bray	Guyer	Obey			
Breaux	Hamilton	O'Brien			
Breckinridge	Hammer-	O'Hara			
Brinkley	schmidt	O'Neill			
Brooks	Hanley	Parris			
Broomfield	Hanna	Patman			
Brotzman	Hansen, Idaho	Patten			
Brown, Calif.	Hansen, Wash.	Perkins			
Brown, Mich.	Harrison	Pettis			
Brown, Ohio	Harvey	Peyser			
Broyhill, N.C.	Hastings	Pickle			
Buchanan	Hays	Pike			
Burke, Fla.	Hébert	Poage			
Burke, Mass.	Hechler, W. Va.	Podell			
Burleson, Tex.	Heckler, Mass.	Preyer			
Burlison, Mo.	Heinz	Price, III.			
Burton	Helstoski	Pritchard			
Butler	Henderson	Quite			
Carey, N.Y.	Henderson	Railsback			
Carney, Ohio	Hillis	Rangel			
Casey, Tex.	Hinshaw	Rees			
Cederberg	Hogan	Regula			
Chamberlain	Holfeld	Reuss			
Chappell	Holt	Rhodes			
Clark	Holtzman	Rinaldo			
Clausen,	Horton	Roberts			
Don H.	Hosmer	Robinson, Va.			
Clay	Howard	Robinson, N.Y.			
Cleveland	Hungate	Rodino			
Cohen	Hunt	Roe			
Collier	Ichord	Rogers			
Collins, Ill.	Jarman	Roncallo, Wyo.			
Conable	Johnson, Calif.	Roncallo, N.Y.			
Conte	Johnson, Colo.	Rooney, Pa.			
Convers	Johnson, Pa.	Rose			
Corman	Jones, Ala.	Rosenenthal			
Cotter	Jones, N.C.	Rostenkowski			
Daniels,	Jordan	Rough			
Dominick V.	Karth	Roy			
Davis, Ga.	Kastenmeier	Royal			
Davis, Wis.	Kazan	Ryan			
de la Garza	Keating	St. Germaln			
Delaney	Kemp	Sarasin			
Dellenback	King	Sarbanes			
Dent	Kluczynski	Seiberling			
Derwinski	Koch	Snipley			
Dickinson	Kuykendall	Shiriver			
Diggs	Kyros	Sikes			
Dingell	Landrum	Sisk			
Donohue	Latta	Slack			
Downing	Leggett	Smith, Iowa			
Drinan	Lent	Smith, N.Y.			
Dulski	Long, Jr.	Snyder			
Duncan	McClory	Staggers			
du Pont	McCloskey	Stanton, J. William			
Eckhardt	McCracken	Stanton, James V.			
Edwards, Calif.	McDonald	Stark			
Ellberg	McKinney	Steed			
Erlenborn	McSpadden	Steele			
Esch	Maddonald	Steelman			
Evans, Colo.	Madden	Steiger, Wls.			
Evins, Tenn.	Madigan	Stephens			
Fascell	Mahon	Stokes			
Findley	Mallary	Stratton			
Fish	Mann	Stubblefield			
Flood	Marazlti	Studds			
Flowers	Martin, Nebr.	Sullivan			
Foley	Martin, N.C.	Symington			
	Matsunaga	Talcott			

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE AND AUTHORITY FOR CLERK TO CORRECT SECTION NUMBERS

Mr. NATCHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD and to include extraneous matter on the bill just passed; and further, Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers.

THE SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Street Act of 1968 to improve law enforcement and criminal justice and for other purposes.

THE SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. RODINO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8152, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN. When the Committee rose on Thursday, June 14, 1973, the gentleman from New Jersey (Mr. RODINO), had 42 minutes remaining, and the gentleman from Michigan (Mr. HUTCHINSON), had 40 minutes remaining.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I extended my remarks in the RECORD during the general debate on Thursday, June 14. Those Members desiring to examine my views in greater detail will find them in the RECORD for that date.

Mr. Chairman, although I would prefer to add certain additional features to this bill, particularly provisions assuring that the bulk of the law enforcement assistance "pass through" funds would go to those metropolitan areas where the problem of crime is the greatest, I believe that this bill is a very substantial improvement over the present law. It provides for expediting the flow of LEA funds to local governments. It provides for citizen participation, reduced local matching funds, stronger audit and evaluation procedures, strengthened civil rights provision, and, in general, will provide for a much improved administration of our law enforcement assistance program.

The members of the Judiciary Committee and, in particular, the chairman, are

*See page H.4894-5 for Holtzman Amend
also See page H.4887, Section 508, ~~Amendment~~
Amended by Holtzman Amend.*

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these problems: there are problems of inadequate facilities for juvenile delinquents and for foster children. There is litter in the streets; there are high crime and high drug areas. Seventh Street still bears the signs of the riots of April 1968. Boarded-up houses can be found throughout the inner city.

In the past, I have consistently supported every conceivable effort to try to improve the quality of life in our cities. The urban problems and urban needs of the District of Columbia are similar or even identical to the problems faced by every other major city. Yet, the per capita Government expenditures for

the District of Columbia are much higher than for our Nation's other urban centers. They cannot be justified just on the basis of the District as the National Capital. It is not that the level of support for services for the District of Columbia is too high—it is that we have completely failed to provide enough support for our urban programs nationwide.

Constituents who visit my office almost always comment on what a beautiful city Washington is—how many beautiful buildings—so much open space and parkland—how clean it is. I always think what a beautiful city Cleveland could be if the same level of Federal support and

aid were provided to Cleveland. It is the Federal tax dollars collected from cities such as Cleveland and spent here in Washington that makes this city so beautiful.

We have built a marble "Rome" on the banks of the Potomac—but it is built on the urban decay of most of the other major cities of America.

The discrepancy in District of Columbia governmental receipts and expenditures can be seen from the data in the Bureau of the Census publication on "Local Government Finances in Selected Metropolitan Areas and Large Counties, 1970-71."

PER CAPITA AMOUNTS OF LOCAL GOVERNMENT FINANCES FOR SMSA'S AND THEIR COUNTY AREAS, 1970-71

	Washington, D.C., SMSA	District of Columbia	Cleveland SMSA	Cuyahoga County (Cleveland)
Population, 1970	2,861,638	756,510	2,063,729	1,720,835
General revenue	\$650.51	\$1,154.94	\$459.80	\$473.30
Revenue from Federal Government	\$143.59	\$477.36	\$17.74	\$20.61
Direct general expenditure	\$682.55	\$1,208.22	\$474.23	\$488.29

In light of these figures, I feel that we have given too much preference to this one city, that it is time for a better and more equitable urban policy to all our citizens—not just to the citizens of this one city.

The District appropriation indicates what a city needs for survival and service. It also provides the Congress with a measure of the widening gap between available urban revenues and urban needs.

Mr. NATCHER. Mr. Chairman, we have no further requests for time on this side.

Mr. McEWEN. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 3, line 11, which reads as follows:

Provided, That the certificates of the Commissioner (for \$2,500) and of the Chairman of the City Council (for \$2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary:

Mr. Chairman, I make the point of order that this is not a limitation on an appropriations bill, and is not authorized.

The portion of the bill to which the point of order relates is as follows:

GENERAL OPERATING EXPENSES

General operating expenses, \$66,491,000, of which \$629,700 shall be payable from the highway fund (including \$72,400 from the motor vehicle parking account), \$94,500 from the water fund, and \$67,300 from the sanitary sewage works fund: *Provided*, That the certificates of the Commissioner (for \$2,500)

and of the Chairman of the City Council (for \$2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, \$5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. §109, but at rates for individuals not in excess of \$100 per diem: *Provided further*, That not to exceed \$7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That \$2,475,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed \$125,000 of this appropriation shall be available for settlement of property damage claims not in excess of \$500 each and personal injury claims not in excess of \$1,000 each: *Provided further*, That not to exceed \$50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Iowa (Mr. Gross)?

Mr. NATCHER. Mr. Chairman, I concede the point of order. As the Chair well knows, the bill that was before the House I believe last week, took care of this matter. We concede the point of order.

The CHAIRMAN (Mr. FASCELL). The point of order is conceded, and the Chair sustains the point of order.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 11, lines 5 through 10, as not being a limitation upon an appropriation bill, and not authorized.

The portion of the bill to which the point of order relates is as follows:

Sec. 5. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. §109 and shall be available to the Office of the Corporation Counsel to retain the services of consultants including physicians

diagnosticians, therapists, engineers, and meteorologists at rates to be fixed by the Commissioner.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Iowa (Mr. GROSS)?

Mr. NATCHER. Mr. Chairman, I should like to say to the members of the Committee that this is a new provision that is carried in the bill at this time. This was sent up from downtown. We at this time, Mr. Chairman, concede the point of order.

The CHAIRMAN (Mr. FASCELL). The point of order is sustained.

Are there any amendments to be proposed to the bill? If not, the gentleman from Kentucky is recognized.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8658) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes, he reported the bill back to the House with the recommendation that the bill do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McEWEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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deserving of commendation for this excellent result.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

(Ms. HOLTZMAN asked and was given permission to revise and extend her remarks.)

[Ms. HOLTZMAN addressed the committee. Her remarks will appear hereafter in the Extensions of Remarks.]

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Miss JORDAN).

(Miss JORDAN asked and was given permission to revise and extend her remarks.)

Miss JORDAN. Mr. Chairman, I rise in support of the committee bill which extends and improves the Law Enforcement Assistance Administration. LEAA was created in 1968 to mount a massive Federal attack on crime. As we all know, that attack has not met with complete success, as the problem of crime still plagues cities and rural areas across the country. After rapid rises for years, serious crime finally declined by 3 percent in 1972. That news has to be met with muted enthusiasm, however, since several categories of crime have continued to increase, many areas have not yet seen reductions at all, and the overall level of crime remains at clearly intolerable levels.

Further, we cannot succumb to the temptation to measure LEAA's success simply in terms of its contribution to a reduction in crime. This is clearly a key objective, but success must also be measured in terms of improvements in the whole system of law enforcement and criminal justice, and in these terms, this Nation still has a long way to go. The prevailing conditions in the fields of criminal justice and law enforcement are still intolerable. Obsolete State criminal codes, congested courts, overburdened probation and parole systems, inhumane and ineffective correctional institutions and ineffective police departments are just a few of the deplorable characteristics of our crime control systems.

In this light, it was clear to the committee that LEAA must be allowed to continue, and hopefully, to improve its work. The distinguished chairman of your committee has already explained the major provisions and improvements in the bill before us today, so I will confine my comments to only a few of the major areas addressed, with varying degrees of success, by the committee bill.

The committee has, wisely I think, largely rejected the administration's proposed revenue sharing approach to law enforcement as an unwarranted relaxation of Federal direction and control. For example, the requirement for prior approval of State plans by LEAA before block grant awards are made has been retained and language added requiring LEAA to undertake a thorough review of these plans rather than acting simply as a rubber stamp. Although there is scant evidence that LEAA has used this authority effectively in the past, since no

State plan has ever been rejected prior approval is the linchpin of the Federal role in the safe streets program. Without it, LEAA would be reduced to a mere accounting and checkwriting bureau with no influence over anticrime programs.

H.R. 8152 has also retained the special earmarks for the law enforcement education program and the part E corrections program in the belief that these national emphasis programs should not be left merely to the discretion of the States.

I would also like to call your attention to the time limits this bill places on the grant-making process for both the Federal-State block grants and the State-local project grants. A major portion of the testimony presented during the committee's hearings was directed at the deplorable delay and inefficiency in putting LEAA funds to work by a cumbersome bureaucracy. Local governments often wait 6 months to a year after submitting applications for LEAA funds to State agencies before the applications are approved and the grants made. The committee also wanted to assure that the strengthened requirements for LEAA prior approval of State plans did not result in further delays in allocating funds to State planning agencies. Consequently, a time limit of 90 days for the approval of State plans and a limit of 60 days for the approval of grant applications to State planning agencies by local units of government have been added to the bill.

The committee bill also contains the administration's recommendations for new civil rights language, together with an amendment which I offered.

It is now more than 5 years since the National Advisory Commission on Civil Disorders identified the lack of adequate representation of minorities in law-enforcement agencies as one of the key problems in the breakdown of communication between police and the citizens of the ghetto. While progress has been made in some areas in the employment of minorities and women in law agencies, many problems of discrimination remain. One need go no further than the reports of decided Federal cases to obtain evidence of the persistence and prevalence of racism in law enforcement.

For example, a Federal district court in Mississippi found in 1971 that the Mississippi Highway Patrol had never employed a single black officer. Of 743 persons employed by the department of public safety in 1971, only 17 were blacks and they were all employed as cooks or janitors. *Morrow v. Crisler*, 4 E.P.D. paragraph 7541 (S.D. Miss. 1971); aff'd. F. 2d (5th Cir.), April 18, 1973.

While the situation in Mississippi is perhaps the most blatant, similar problems of discrimination have been found by Federal courts to exist in Alabama, Massachusetts, and Bridgeport, Conn. See *NAACP v. Allen*, 340 F. Supp. 703 (M.D. Ala. 1972); *Castro v. Beecher*, 459 F. 2d 725 (1st Cir. 1972); *Bridgeport Guardians Inc. v. Bridgeport Civil Service Commission* 5 CCH E.P.D. 8502 (D. Conn. 1973).

Other cases alleging discrimination are pending before Federal courts in Alabama, Pennsylvania, Georgia, Connecticut,

Illinois, California, and Ohio, and before State commissions in Missouri, Kansas, Massachusetts, Indiana, Pennsylvania, and Connecticut.

The existing LEAA statutes contain no provisions designed to prevent discrimination in benefits or employment on the basis of race, color, national origin, or sex. As a result, LEAA has been particularly slow to develop an effective civil rights enforcement program. In fact, it was not until 2 years after its establishment that LEAA admitted it has a civil rights enforcement responsibility and created a civil rights compliance office and implementing regulations.

The administration suggested new language for this legislation, with what I hope was the intention of strengthening LEAA's civil rights enforcement powers and responsibilities, which has largely been incorporated in section 518(b) of H.R. 8152. These provisions parallel the language of title VI of the Civil Rights Act 1964 with an added prohibition of discrimination on the basis of sex, but they also specify special procedures for enforcing those provisions. These special procedures are appropriate to the block grant nature of the LEAA program. They direct the administration, whenever it determines that a State or local unit of government has violated the civil rights provisions, to request the State's Governor to secure compliance. If within 60 days he has failed or refused to secure compliance, LEAA is required to begin its own enforcement procedures.

The effect of my amendment to the administration's suggested provisions is to require LEAA to first use the same enforcement procedure which applies to any other violation of LEAA regulations or statutes. That procedure of notification, hearings, and negotiations is spelled out in section 509, which provides the ultimate sanction of funding cutoff if compliance is not obtained. LEAA is also authorized to undertake civil action in any appropriate U.S. district court for such relief as may be appropriate.

This amendment was necessary to reverse LEAA's traditional reliance on court proceedings to correct discrimination, rather than undertaking administrative enforcement of civil rights requirements. Despite this declared preference for judicial remedies, which is not the procedure used for any other violation of LEAA guidelines or statutes, LEAA has not initiated a single action in court and has intervened in only a limited number of cases brought by private groups. Even these interventions were begun long after the suits were filed and usually as the result of external pressures of court order. In effect, LEAA has had no civil rights enforcement program. The civil rights provisions in this bill give LEAA the necessary powers and require the establishment of an effective civil rights program.

It is also worth noting the new requirements in this bill for LEAA to begin careful evaluation of the programs it funds so that the substantial Federal resources LEAA controls can be directed into effective efforts to control and reduce crime. The Attorney General ad-

mitted the weakness of LEAA's record in this regard, since only limited attempts have been made in the past 5 years to measure program effectiveness and to share information with the States about innovative ideas which work. The committee bill gives major new authority to the National Institute for Law Enforcement and Criminal Justice to evaluate LEAA programs and their success or failure, and to share the results of its own research and development activities.

It is the intention of the committee that the National Institute to utilize wherever possible the report of the National Advisory Commission on Criminal Justice Standards and Goals in these evaluations. This Commission has produced a massive document which spells out in considerable detail what each segment of the criminal justice system should be striving to achieve. I hope that the National Institute will make major use of this new authority so that LEAA will no longer simply throw money at the problems of crime in the vague hope that something will work.

Mr. Chairman, all these improvements in the Law Enforcement Assistance Administration constitute a bill which is deserving of strong support. However, I was disappointed that one critical problem with the administration of the LEAA programs was not adequately resolved. Large urban areas, where the problems of crime are the most severe, still do not have a large enough role in the safe streets program.

City governments and local law enforcement agencies are not equal partners in the LEAA process, even though they are manning the front lines in the battle against crime. Their influence on the planning and priority setting process is minimal except in a very few States. They are faced with a multi-layered bureaucracy, delays, uncertainties, and frequent rejection of their own priorities for LEAA funds. They are forced to apply to State planning agencies for LEAA funds piecemeal, waiting as long as 12 months before funds are made available. The block grant philosophy of allowing maximum flexibility to State governments has not been applied, as logic and effectiveness require, to local governments. Instead, our crime-wracked urban areas are forced into a individual categorical grant process controlled by a set of priorities imposed by the State with scant consultation.

I am convinced that a more responsible role for our high crime urban areas can and should be created, without destroying the statewide priority setting role which is properly the responsibility of the State planning agency. Local criminal justice and law enforcement plans could be drawn up by local governments, in cooperation with State planning agencies, and block grants awarded to those local governments on the basis of those plans. Such an arrangement would greatly increase the efficiency of the entire LEAA process and get the money where the problems are quickly.

With this exception, Mr. Chairman, I strongly support the committee bill, and

urge my colleagues in the House to support it as well.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

(Mr. McCLORY asked and was given permission to revise and extend his remarks.)

Mr. McCLORY. Mr. Chairman, it will be my intention to discuss primarily that part of the Law Enforcement Assistance Act which relates to the National Institute of Law Enforcement and Criminal Justice. This part of the bill is under part D, and is to be found on pages 21 to 24 of the measure (H. R. 8152) which is now pending for discussion before the committee.

Many in this Chamber will recall the amendment to the omnibus crime bill of 1968 by which we established the National Institute of Law Enforcement and Criminal Justice as a part of this overall Federal program directed against crime.

The overall concept of the National Institute is that it should be a professional high-level agency or institute for the purpose of giving guidance and direction in the overall attack on crime, without, however, endeavoring to provide any kind of Federal police force or domination or control of the broad law enforcement and criminal justice functions which belong to the State and to the local units of government. I should recall that this amendment to the 1968 act received substantial support from our former colleague, William Cramer of Florida, and was developed and adopted as the result of substantial bipartisan support in this Chamber.

Mr. Chairman, I will not go into the background of the dilution of the National Institute's authority. However, I should observe that its role was reduced substantially in the final version of the bill which we passed in 1968, and it has never been adequately funded since that time.

Mr. Chairman, in the measure before us, we undertake to correct the existing deficiency in the National Institute by establishing its intended role as a clearinghouse and evaluating agency with respect to research and development projects which are authorized under this legislation. It is further specified that the Institute shall disseminate the results of such efforts to State and local governments.

This should fulfill a great need which the testimony before our committee emphasizes. In other words, large sums of money are expended in developing new and advanced techniques, both with respect to the use of sophisticated equipment and in the administration of programs of crime prevention, apprehension, prosecution, rehabilitation and others. Yet there is still no method by which the best result obtained under these developments may be made available to all others who are charged with enforcing the law or otherwise working in our criminal justice system. Accordingly, the Institute will now have an augmented role as a clearinghouse to receive, and to disseminate information of vital importance in the reduction of crime in America.

A second role of the Institute which has been largely omitted up to the present time is that of training. The testimony from local and State law enforcement officials has reiterated time and time again that the most urgent need is that of training programs for their personnel.

The Institute accordingly, is assigned the responsibility of assisting in training programs at the request of States or units of general local government—or a combination thereof. This authority applies with respect to all segments in the law enforcement and criminal justice field—not just police or prosecutions. While it is anticipated that many regional training programs may involve but a single State may join in requesting the establishment, it is likewise possible that several such training programs on a regional basis. Where smaller programs may be indicated, the Institute is authorized to carry out programs of institutional assistance consisting of research fellowships, and to present special workshops for the dissemination of information resulting from research, demonstrations and special projects. Finally, the Institute is authorized to establish its own research center to carry out programs described in this part of the new law.

Thus, a large responsibility is reposed in the National Institute to develop and administer that high-level type office which can identify and make available the most modern developments and techniques relating to law enforcement and criminal justice. The evaluation role is a particularly sensitive one, which I would expect the Institute to fulfill through the benefit of an advisory committee or other agency which was representative of every level of government as well as knowledgeable persons from the academic and civic segments of our society. In this connection, the Institute may wish to refer to recommendations of the National Advisory Commission on Criminal Justice Standards and Goals—although some of those may not be desirable.

Mr. Chairman, these provisions contained in the measure which extends the omnibus crime bill of 1968 for another 5 years are distinct improvements over the existing law, and like other parts of this measure which are being modified on the basis of our experience—are at the same time contributing to a greatly improved administration at the Federal level, which can serve to direct and inspire improvements in law enforcement and criminal justice at the local and State levels.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MEZVINSKY).

(Mr. MEZVINSKY asked and was given permission to revise and extend his remarks.)

Mr. MEZVINSKY. Mr. Chairman, the bill that the subcommittee has presented today is a great improvement over the present LEAA program. We have held extensive hearings and listened to representatives of all those involved in the LEAA programs. We have taken their criticisms and comments on the present program and numerous proposals and

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used them to restructure LEAA to give it the potential to target the crime dollar to the crime problem. Our subcommittee has worked hard on this bill, guided by our untiring Chairman, the distinguished gentleman from New Jersey, and we ask for your support of this most important piece of legislation.

This bill greatly improves the current LEAA program and I would like to mention briefly some specific changes which deserve your support.

First, the new LEAA has been devised to go beyond law enforcement in its narrow interpretation and can encompass the whole field of criminal justice. Our anticrime programs must not stop at the court room door but must follow through with rehabilitation of those convicted. As we all know, recidivism is one of the most serious crime problems and hopefully more emphasis on rehabilitation in this bill will help us begin to find some answers to combat the high rate of criminal repetition.

Another aspect of this bill which is noteworthy is its requirement for stricter auditing procedures and greater accountability of the individual programs to the LEAA. Appropriations of vast sums of money to combat crime will not work if the money does not get to the right places. During the hearings it was quite evident that LEAA money was being misspent. We have all heard of many instances where anticrime money was used to provide such things as riot equipment to towns of a few hundred people. In Iowa, for example, GAO is presently conducting an independent audit of LEAA money to find specific areas of waste or improperly expended funds. I hope that if this bill is passed today, such independent audits will be unnecessary because it will be possible to rely more heavily on the program's strict self-auditing procedures.

Another safeguard has been incorporated into the program by reducing the program authorization from 5 to 2 years, although 2 years may not produce great inroads into solving the problems of law enforcement and criminal justice, demanding more frequent congressional review and scrutiny of the program will increase our ability to perform our oversight function properly.

Another important improvement is the change we have made in the discretionary grants disbursed by the LEAA. Under our program funds can go to multistate planning units, to allow them to improve law enforcement and criminal justice in crime areas which do not confine themselves to a single state.

One example exists in my district. The Quad Cities is a metropolitan area divided by the Mississippi River. It would be naive for us to believe that the crime problem in Davenport, on the Iowa side, can be solved independently of the crime problem on the Illinois side of the river. Multistate areas must be given the resources to work together. Increased urbanization has made such an attack on crime imperative.

I believe by implementing this bill we can begin to better deal with crime in our country. For this reason, I urge you to support H.R. 8132.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

(Mr. DENNIS asked and was given permission to revise and extend his remarks.)

Mr. DENNIS. Mr. Chairman, I have one amendment which at the appropriate time under the 5-minute rule I intend to offer to this bill. I take this time to briefly apprise those who are present as to what that amendment will be because I feel it is an important amendment which indeed goes to the very essence of the measure now before us.

There will be a committee amendment offered which will provide that in respect to the grants for law enforcement, under part C of the bill, not more than one-third of any such grant made under that section may be expended for the compensation of police.

My amendment will add to the committee amendment the words: "and other regular law enforcement and criminal justice personnel," so that the limitation would read that: "Not more than one-third of any grant made under this section"—that is for law enforcement purposes—"may be expended for the compensation of police and other regular law enforcement and criminal justice personnel."

This will put the law back essentially to where it is now. It is difficult to understand why the committee amendment should place this limitation of only up to one-third of the grant on police salaries only and exclude other law enforcement and criminal justice personnel.

The reason for the limitation in the first place is because here we have a program which is supposed to be a new, innovative program which will encourage States and localities to do things in the criminal law field and in the law enforcement field that they are not now doing. It was realized that if we allowed all the money to be used to pay salaries, the inevitable result would be that we would just be having a salary bill for local personnel, a revenue-sharing bill, if you will. That would destroy the purpose of this whole measure, and that was the reason for the limitation which had been there right along.

Now, why we should cut that down to police salaries only and permit this money to be used without limitation for all other law enforcement-criminal justice personnel, such as prosecuting attorneys, judges, public defenders, prison guards, wardens, probation and parole officers, it is very difficult to see. It goes a long way toward just transferring this into a local salary bill, and by that much destroying the very purpose of the measure; and the purpose which has been in it, I might add, from the beginning.

There is no reason for supporting such a provision in the law. This becomes especially important under the recent decisions of the Supreme Court, the Gideon case, and the Argersinger case, which quite properly require public defenders to be appointed both in felony and misdemeanor cases, and it costs a lot of money. The temptation is going to be almost inescapable to take practically all this Federal money and pay it out in

legal fees, for instance, which is not what we passed this bill for.

Both under the committee amendment and under my amendment with the added words, the limitation will not apply—will not apply—to personnel who are engaged in conducting or undergoing training programs or who are engaged in research or development or demonstrations, all the innovative things which were supposed to be encouraged by this bill; but the limitation will keep us from spending all the money on salaries.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, it will avoid the inevitable competition which will result between city A, which tries to do the job we contemplate under the bill, and city B, which yields to temptation to use all the money for salaries, thereby forcing city A to do the same.

Therefore, I hope everyone, including even the majority of my distinguished committee, will support this amendment which goes right on with the basic idea this bill is supposed to be all about.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DONOHUE).

(Mr. DONOHUE asked and was given permission to revise and extend his remarks.)

Mr. DONOHUE. Mr. Chairman, I rise in support of H.R. 8152 as reported by the Committee on the Judiciary.

I believe that this bill is the product of a frank appraisal by the committee of just what the Federal leadership role in the fight against crime should be, and of just how that role has been undertaken pursuant to the congressional will expressed in 1968 by the Omnibus Crime Control and Safe Streets Act.

The law enforcement assistance program, as envisioned by the 1968 legislation, and as clarified and modified by H.R. 8152, strikes an appropriate balance between the need for Federal resources and expertise, and the need for responsible State and local planning to meet what are essentially State and local problems.

The committee had before it proposals to remove all Federal responsibility for the administration of this program. Such proposals were, as always, of course, tempting—they promise less bureaucracy and they seem to give those closest to the problems the exclusive right to solve them.

But the Congress explicitly recognized that the urgency of the fight against crime, and the nature of the efforts needed to upgrade our criminal justice system, required a "better coordinated, intensified, and more effective" attack by "all levels of government." The increasing intensity of the problem called for a sharing of responsibility as well as of revenue.

H.R. 8152 accomplishes that sharing of responsibility without depriving the States and localities of the right to set their own priorities, and to undertake their own planning. Perhaps most im-

portant the bill actually opens up and broadens the planning process to assure both accountability and increased citizen involvement.

I am particularly pleased, Mr. Chairman, to note that the bill addresses the past deficiencies in the LEAA program at all levels of the process. Federal responsibility is clarified by making more emphatic the importance of LEAA's prior approval of State plans function. At the same time, the problems that have hampered the States and localities are also fairly and effectively met—complicated matching requirements are simplified and made more realistic; unjustifiable delays in the flow of these funds to recipients are made directly contrary to new provisions added to the act. The intent of Congress is clearly shown to be the improvement of the whole criminal justice system, and the purposes of rehabilitating, as well as merely detecting and apprehending criminals are given due emphasis.

Mr. Chairman, the House today is being asked to authorize to this program appropriations of \$1 billion for each of the next 2 fiscal years. I believe that is a reasonable and prudent authorization: A fund level allowing adequate resources to address the real needs and a time period giving the Congress a meaningful oversight role in the administration of this program. For those reasons, I urge the adoption of H.R. 8152.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

(Mr. BIAGGI asked and was given permission to revise and extend his remarks.)

Mr. BIAGGI. Mr. Chairman, I rise in support of this bill to continue the operations of the Law Enforcement Assistance Administration. The committee on the Judiciary under the able leadership of its chairman, the gentleman from New Jersey (Mr. RODINO) has put together a bill which makes improvements in the legislation first enacted in 1968. The improvements should help make the LEAA a more effective unit in the fight against crime.

One improvement, however is missing. I intend to offer as an amendment my law enforcement officers' bill of rights legislation which has been cosponsored by over 100 Members of this body. This amendment is supported by thousands of people both in and out of law enforcement. It will guarantee basic civil rights to law enforcement officers just as we have granted these rights to every other citizen, including the felon he arrests.

Mr. Chairman, I would like to comment briefly on some of the provisions in the bill. The committee has rightly maintained Federal control over the program by rejecting the administration's proposal to convert LEAA into a "no strings" special revenue-sharing program. LEAA grants already go to the States with a minimum of Federal requirements and supervision. These grants offer the greatest possible latitude to the States and local governments, yet the taxpayer is assured that his money will not be wasted on frivolous programs.

The elimination of the three-man

leadership arrangement was essential to smooth functioning of LEAA. One administrator with a deputy administrator now sets clear lines of responsibility and direction.

One particular reform stands out among the rest: The committee has emphasized the need to improve every aspect of the criminal justice system—not just law enforcement.

As a 23-year veteran of the New York police force, I am well aware that the fight against crime cannot be won with good law enforcement alone. Corrections programs, court procedures and crime prevention measures all enter into the formula for public safety.

During my years in Congress, I have worked to keep alive a rehabilitation program at the Rikers Island Correctional Facility in New York City. This program, though limited in numbers of participants, has dramatically reversed the rate of recidivism in that prison. Of those inmates at Rikers Island not participating in the manpower training program, four out of five return to prison again. Of those participating in the program, only one out of five end up in prison a second time. Rehabilitation programs in corrections institutions are too few and far between.

A substantial portion of the LEAA funds authorized here today should go toward development of innovative programs to truly rehabilitate prison inmates so that they can lead productive lives upon release and thus break the cycle of crime.

Perhaps the most urgent need is an overhaul of the court procedures. A police officer works 10 times longer in processing a case than he does in the actual arrest. Most of this time is lost waiting in the courts, filling out forms and complying with a multitude of other administrative details. This time could be better spent by the police officer on the street preventing crime. I would hope that the administrator of LEAA would direct his attention to solving this problem.

Let us not forget for a moment that the primary objective of law enforcement and of legislation such as we have before us today is crime prevention.

All too often city administrators are more concerned with arrest, prosecution, and conviction measures than prevention measures. Clearly, more policemen on the streets doing a more effective job preventing crime will be the quickest way to guarantee safe communities for our citizens. Reform of our corrections institutions to eliminate criminal repeaters is yet another important preventive measure. Revitalizing our courts to assure a speedy trial and swift conviction of law breakers and a rapid release of the innocent will also help prevent crime.

I am confident that the Law Enforcement Assistance Administration will play an important role in developing sound crime prevention measures at the local level. I hope all my colleagues will join with me today in voting for this measure and will support the amendment I will offer later this afternoon.

(Mr. BIAGGI asked and was given permission to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. COHEN).

(Mr. COHEN asked and was given permission to revise and extend his remarks.)

Mr. COHEN. Mr. Chairman, I rise in support of the bill. Maine has planned for and is in the process of implementing criminal justice programs with the funds made available through the Omnibus Crime Control and Safe Streets Act of 1968 and its amendments. These programs will have far-reaching affects on the improvement of the criminal justice system in the prevention of crime in Maine.

The House subcommittee bill on criminal law, House bill 8152, represents the consensus of the testimony before Subcommittee No. 5 and the full Judiciary Committee. Perhaps those who testified are the best qualified to judge the merits of the program. This group includes the Governors of the several States, the beneficiaries of the law enforcement assistance administration block grant program and the State and local planning agencies who administer the program. Their consensus is that the block grant program is a success, that it has fostered and supported major improvements in each State's criminal justice system. These improvements have been made at the State level, the county level, and the municipal level on the basis of priorities established within each State in accordance with its specific needs.

One of the accomplishments in my own State of Maine is the establishment and operation of a criminal justice training academy. The primary function of the academy through the board of trustees is to establish a facility for the training and education of all criminal justice personnel. The academy is also responsible for developing and implementing a comprehensive program of education and training encompassing the entire spectrum of the criminal justice system throughout the State of Maine. Associate and baccalaureate degree programs in criminal justice are now available to those in the system as well as to those who are contemplating a career in this field.

Maine was one of the States in the early days of the program that was identified as not utilizing law enforcement education funds from LEAA. Now, due to the efforts of the Maine Law Enforcement Planning and Assistance Agency, under the able guidance of Director John B. Leet, I am happy to report that there are three associate degree programs and a bachelors degree program in our largest city. In our 4-year degree program on the Portland campus of the University of Maine, 130 criminal justice majors were enrolled at various stages of their 4-year undergraduate degree candidacy. At the present level, an annual graduating group of 20 to 30 criminal justice baccalaureate degree holders is anticipated.

The concerns that had existed in Maine in relation to possible saturation of this field are mollified with evidence that there are presently over 8,500 per-

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sons employed in protective services in the State. The University of Maine's assessment of human manpower needs has estimated that 1,628 additional law enforcement officers and 449 additional correctional treatment personnel will be needed in Maine by 1982.

These two programs that I have mentioned have been priority programs in the State of Maine and in our estimation are extremely successful. In addition to these programs, the State has established an integrated municipal, county, and State law enforcement communications network which will form the skeleton of a more sophisticated system embracing the operational and data requirements of courts and corrections and law enforcement personnel. The State has established and is operating an innovative job counseling, training, and placement program for inmates prior to their release from our correctional institutions. A police services delivery program has also been developed to provide coverage and response heretofore deemed impossible for a State with the population density of Maine.

In addition, the Maine criminal justice internship program has been a huge success. Last summer there was an estimated 133 young people entering the criminal justice field in internships at the various law enforcement agencies in the State. The program is designed to attract qualified individuals to the criminal justice field and it has been quite successful. An internship is a specific project of a fixed duration not to exceed 13 weeks full-time or 21 weeks at half time designed to acquaint an intern with the possible criminal justice system career options. A secondary goal of the project may be the accomplishment of a specific operational objective.

Mr. Chairman, in addition to these improvements, more are forthcoming. Have we reduced crime in Maine? We do not have the answer as yet, but we should be able to answer that question shortly. What have we really accomplished? We have assisted in the development of a better and more responsive criminal justice system in Maine. We have initiated a system which is more flexible and which is able to react collectively to Maine's needs through the constituent element.

In closing, let me say that I support the principles of this bill which still requires a commitment on the part of the subgrantee. With such a commitment comes an affirmation on the part of the municipality, of the county or the State agency, that they, too, have an investment in success.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, I rise in support of this measure, and indeed to commend the gentleman from New Jersey (Mr. Rodino) and the gentleman from Michigan (Mr. Hutchinson) for their leadership in bringing this bill to the floor.

I also, however, wish to point out that in our area in southern California, there is a serious problem.

The gentleman from California (Mr. VAN DEERLIN) approached me last week with this problem and said that unfortu-

nately he could not be here today, and he asked me whether I would support his position. After reviewing it carefully I do indeed support Mr. VAN DEERLIN's position, and I should like to draw this problem to the attention of the members of the committee today.

This problem relates to section 406 of the bill, found on pages 26 to 30, and relates to the law enforcement education program, sometimes referred to as LEEP.

It is my understanding that some 990 schools, both colleges and junior colleges, participate in this particular program.

There is a 4-year service clause, under which a student agrees to commit himself or herself for 4 years law enforcement or criminal justice service and under this program a stipend or award of up to \$2,200 per year per student is given. This money, of course, goes to the institution and not the student, but it enables the institution to give the instruction.

Then there is a 2-year service clause, under which the student commits himself or herself to 2 years of active duty law enforcement or criminal justice service and under this there is a stipend of \$250 per quarter or \$400 per semester.

Now, Mr. Chairman, with respect to the problem, in our area, San Diego County, Calif., at least, some institutions are admitting far too many first-year students, to the great detriment of those who are already in the program and who intend to continue, to go all the way. This spreads the money far too thin, and we find that many must drop out of the program.

The gentleman from California (Mr. VAN DEERLIN) had considered amendments which would have prohibited this practice. He decided not to offer them, in the thought that perhaps the problem was too localized.

It would be my hope that we could establish the legislative intent, and if I may I should like to ask the distinguished chairman of the committee a brief question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BURGENER. Mr. Chairman, if I may ask just this brief question, can we establish the intent of Congress in the legislation that the students should indeed, continue and some priority will be given to that, we will then, perhaps, persuade our institutions to change their practices and give more consideration to continuing students.

Mr. RODINO. Mr. Chairman, I would answer the gentleman by saying it is certainly the intent of this legislation to permit the students to complete the educational process fully, and it is for this reason, as a matter of fact, that we have provided for additional sums of money for LEEP to keep pace with the inflationary trend, in order to assure that students would not be shortchanged.

Mr. BURGENER. Mr. Chairman, I thank the gentleman from New Jersey (Mr. Rodino) very much.

(Mr. BURGENER asked and was given

permission to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BUTLER).

(Mr. BUTLER asked and was given permission to revise and extend his remarks.)

Mr. BUTLER. Mr. Chairman, I rise in support of H.R. 8152. The merits of the Omnibus Crime Control and Safe Streets Act of 1968 have been debated extensively in recent days, both within this Chamber and without. I would like to comment briefly on its achievements in Virginia.

The provisions of the act required Virginia to set up a central planning division, and under its leadership and with the aid of the Federal grant money, Virginia has taken great steps to unify and modernize its law enforcement, court, and correctional systems, and to make Virginia a leader in the area of innovative techniques in crime control and detection.

Our personnel, from the localities up to the statewide level, are now better trained: our criminal code has been revised; our judicial system, studied and revised; we have better treatment centers for juveniles, for drug addicts, for alcoholics; and we have established community-based correctional systems for the first time.

Of national interest, Virginia planned and sponsored the first National Conference on the Judiciary in Williamsburg in 1971, drawing together State court justices, State attorneys-general, trial judges, court officials, bar members, and others interested in judicial reform.

Also, in 1971, Virginia hosted the first National Conference on Corrections which was also made possible by an LEAA grant to our State division of justice and crime prevention.

Some of these accomplishments might have taken place without LEAA. There is no question, however, that Virginia's comprehensive program of reform, coordination, modernization, and innovation of its crime control and enforcement systems originated in the State planning unit set up under LEAA. Piecemeal reforms would have come, but a change as significant as the one we have seen in the past 3 years would never have taken place without the aid of the 1968 act. Its success in Virginia makes me a strong supporter of extension of the act.

Mr. RODINO. Mr. Chairman, I have no further requests for time.

Mr. HUTCHINSON. Mr. Chairman, I have just one further request for time.

Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. HUNT).

(Mr. HUNT asked and was given permission to revise and extend his remarks.)

Mr. HUNT. Mr. Chairman and members of the committee, I rise in support of H.R. 8152, but there are several things that have come to my attention, and in the interest of making some legislative history, I would like to ask several questions of the gentleman from New Jersey (Mr. Rodino) the chairman of the Committee on the Judiciary, if he would be so kind as to respond.

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Mr. RODINO. Mr. Chairman, I would be happy to respond.

Mr. HUNT. Mr. Chairman, the Sheriffs' Association of New Jersey has contacted me, indicating that the State agency that administers the program of the law enforcement planning agency has curtailed the funds to the sheriffs' departments in the State of New Jersey.

Nowhere in this bill do I find anything that would preclude money for bona fide law enforcement from going to a sheriff's department, which represents the highest elected enforcement official we have in the State of New Jersey, as well as in the other 49 States.

Mr. Chairman, I would ask for a little clarification on that from the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. There is no prohibition against moneys going for the payment of salaries for sheriffs beyond the restriction that it cannot be in excess of one-third of the amount that is granted.

Mr. HUNT. Mr. Chairman, that was our understanding.

When we passed this bill before, as the Members may recall, I asked that question. However, one of our deputy attorneys general, a gentleman by the name of Fekete, on April 6, 1972, denied this money to sheriff's organizations, bona fide law enforcement officials, and we are the only State where it has been denied. No other planning agency in any of the other 49 States has denied this to sheriffs' departments, and I just wanted to clarify that for the benefit of the State of New Jersey and the other 49 States.

Mr. RODINO. Mr. Chairman, I would like to point out to the gentleman, however, that the amount of money that does go to sheriffs is dependent upon State plans for the allocation of the funds.

Mr. HUNT. Yes, I realize that.

Mr. RODINO. But under this provision there is no general prohibition.

Mr. HUNT. There is no prohibition?

Mr. RODINO. There is none.

Mr. HUNT. Mr. Chairman, there is another point I would like to clear up with the gentleman.

The Law Enforcement Assistance Administration of the Justice Department not too long ago sent out an order saying that the physical qualifications that had been imposed by local police departments upon members they were hiring, new members for the police departments coming under this act, had to be reduced; the standards had to be reduced, so that the agencies, themselves, over the police departments did not have control over their physical rules.

Mr. Chairman, I want to make sure that that is not included in this bill and that is not the intent of this bill, that the local agencies, the police boards, and the police units will still have an inherent right to impose their own regulations and their qualifications and not be deprived of any Federal funds.

Mr. RODINO. It is certainly not the intent of this legislation to intrude upon the local regulating agencies. However, there is a provision against discrimination. That is the only provision that would, of course, in any way relate.

Mr. HUNT. We agree there should be no discrimination and we do not want it,

but we do reserve the right in our police departments to have our own qualifications as far as standards of height and weight are concerned. These are matters that fall within their jurisdiction, and we do not believe any Federal agency would even attempt to impose any regulations of that nature. I find nothing here in this bill that would impose such a regulation.

Mr. RODINO. The thrust of the Omnibus Crime Control and Safe Streets Act is granting Federal assistance to State and local units of government in order to fight crime. There is no intent to intrude into their administrative practices. In fact, the act does not authorize Federal supervision of State laws at all. In section 518 of this act it states:

"Sec. 518.(a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof."

Mr. HUNT. I thank the chairman.

Mr. GONZALEZ. Will the distinguished gentleman yield for a question?

Mr. RODINO. I yield to the gentleman.

Mr. GONZALEZ. I deeply appreciate the gentlemen yielding to me.

I rise because interestingly enough the chief of police of Washington, D.C., is apparently making a nationwide tour. Last week in my district he arrived with a great deal of pomp and ceremony and announced that he was there thanks to the generosity of President Nixon in behalf of imparting the word to the local law enforcement agencies of my district that this legislation and the moneys to be derived therefrom were being held up by the Congress and not only this but revenue sharing was long overdue and that if the local police agencies throughout the Nation were suffering, it was because this Congress was denying this program.

I was intrigued by that because my city compares favorably populationwise with the District, yet the District has four times as many or 400 percent more policemen in uniform as my city does.

I thought the chief of police had his hands full here in the District. I understand crime is not exactly controlled here, and I was intrigued by this.

What I would like to have the gentleman tell me is this: Is this chief of police making a nationwide tour, which he stated publicly he was, at the expense of the funds from this program, or is the District of Columbia paying for it out of its funds, or is Mr. Nixon paying for it? Does the gentleman know, and could he enlighten us?

Mr. RODINO. I can only answer the gentleman by stating there is no direct authorization as I know it in the LEAA legislation for any such individual to undertake this kind of mission. However, if the plan for the District of Columbia for LEAA funds provides for that, it is something I am not aware of.

Mr. GONZALEZ. But I think it is very important that somebody should show an interest in whether that is the case or

not, because it will go a long way toward making up my mind how to vote on this program. Whether the District or any place else diverts funds for this purpose, which is plainly and simply a campaigning purpose, then I think that the great argument that was used here to start this program is not correct.

I think the congressional intent is not being served. I would like to know if the chairman, the gentleman from New Jersey (Mr. RODINO) would be interested in pledging the support of his committee or his staff in ascertaining how this trip is being subsidized, and by whom.

Mr. RODINO. If the gentleman will yield, the gentleman from Texas can be assured that we will look into that matter. I would also like to tell the gentleman from Texas that this is among the very reasons why the committee has provided for a 2-year authorization rather than a more extended authorization, in order to assure that there is oversight in seeing that LEAA functions are carried on according to the intent of the Congress.

Mr. HANNA. Mr. Chairman, would the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, it may very well be that this trip has something to do with national security, and we do not want to be questioning that.

Mr. GONZALEZ. Let me say that if national security is at issue, then we are lost.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WYMAN. Mr. Chairman, the law enforcement assistance amendments before the House today offer an opportunity to continue and expand a successful experiment in innovative Federal assistance to State and local governments. In recognition of the shortcomings of most Federal categorical aid programs, the Law Enforcement Assistance Administration was established primarily as a coordinating medium through which the individual State and local law enforcement organizations are able to receive badly needed financial assistance and to exchange information on how best to meet ever-changing law enforcement needs. Narrow restrictions on such aid and "red tape" in general have been held to a minimum.

Despite some growing pains shortly after its inception, Federal law enforcement assistance has been highly effective in helping reduce the shocking increase in crime over the past decade, and in encouraging responsible local solutions to local problems. The smaller, rural units of local government have particularly benefited by not being forced to approach their crime problems armed with programs primarily designed for the different needs of our populous urban areas. At the same time, LEAA has acted as a central clearinghouse for a healthy exchange of information and ideas. This has proven invaluable to fiscally hard-pressed localities which lack the resources to effectively meet the challenges of the national crime wave of the sixties.

The Law Enforcement Assistance Act goes beyond merely providing financial assistance. Along with education pro-

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grams for law enforcement officers, it encourages a broad range of "R. & D." initiatives of law enforcement which encourage modernization of antiquated techniques and stimulate anticipation of future problems. Under LEAA the overall quality of law enforcement has increased and will continue to do so.

The legislation before the House today expands on the successes of the past several years. Pass-through requirements are strengthened to assure local units of government, with their unique problems, are not shunted aside in the effort to encourage modern comprehensive state-wide law enforcement programs. Matching requirements have been improved in recognition of the budgetary procedures prevalent at the local level. Education and training programs have been expanded. In keeping with legislation I introduced in the 92d Congress and again in this Congress, eligibility has been broadened so additional agencies faced with increasing law enforcement responsibilities such as conservation departments can now be included under the provisions of LEAA.

We cannot continue to tolerate one of the highest crime rates in the world. Too often in the past it has been demonstrated that our law enforcement techniques were sadly outmoded. The Law Enforcement Assistance Administration is changing that, that I urge the House today to pass H.R. 8152 so the progress made to date can be continued.

MR. KOCH. Mr. Chairman, the bill to provide a 2-year extension, with amendments, of the Federal law-enforcement assistance program is now before us for a vote. Of course, I will be supporting this legislation to aid State and local governments in reducing crime and improving the Nation's criminal justice system. I would like to bring to the attention of my colleagues one of the committee amendments which I am proud to have authored, originally known as H.R. 677, to provide for the development and operation of treatment programs for drug abusers who are confined to or released from correctional institutions and facilities. H.R. 677 was passed favorably by Representative DON EDWARDS' Judiciary Subcommittee and was then included in the LEAA bill by the full Judiciary Committee. It is the same amendment which passed the House last year under H.R. 8389, but died in conference.

This measure should go a long way in encouraging States and localities to provide drug treatment programs that are so desperately needed in their prisons. It is designed to provide the basis for tackling one of the principal causes of crime in our cities: drug addiction.

In 1970 the Omnibus Crime Control Act was amended to establish a program for the improvement of State and local correctional facilities. Under this law grants for the upgrading of correctional facilities are made upon the submission and approval of a plan, meeting certain minimum requirements by a State. My amendment adds a new requirement—that States make necessary provisions for the establishment and development of narcotic treatment programs in their correctional facilities and in their probationary and parole programs.

In the city I come from, New York, at least 50 percent of the street crime is attributable to drug addiction—perpetrated by addicts needing money to support their habits. And yet, little is being done in our prisons to treat this identifiable cause of crime. Offenders are brought into the jails and detoxified. But, then they are left to serve out their terms, without treatment for the drug problem which in most cases was the cause of their criminal involvement. Consequently, when they are released from prison, many immediately return to their drug and criminal habits.

An addict or drug abuser when imprisoned is easily identified, isolated and available for regular treatment. It is tragic that we have been wasting this opportunity to provide these men and women treatment, particularly when most have so little else to do to fill their time.

I would like to thank our colleagues on the Judiciary Committee for including the amendment in the bill. I hope this entire measure will be favorably supported by the House.

MR. DRINAN. Mr. Chairman, I rise in support of H.R. 8152, the law enforcement assistance amendments. This bill, reported to the House Judiciary Committee of which I am a member, amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1970.

The essential purpose of H.R. 8152 is to improve law enforcement and criminal justice. This bill would make the functions of the Law Enforcement Assistance Administration more effective and would expand the oversight functions of the Congress in assessing the law enforcement activities of the Federal Government. The bill authorizes appropriations of \$1 billion for the LEAA in each of the coming fiscal years.

The initial authorization for the Law Enforcement Assistance Administration ends on June 30 of this year. LEAA was created by Congress in 1968 to assist State and local governments in reducing crime and improving our country's system of criminal justice. LEAA provides financial and technical assistance to State and local law enforcement and criminal justice agencies.

I believe that the original concept of the LEAA was sound. However, the transcript of the hearings that comprise over 1,000 pages reveals that the existing authority for the LEAA was in some ways faulty. The bill before us today makes some of the necessary corrections and will, I believe, strengthen Federal efforts to control crime.

The existing administration of LEAA has been the subject of considerable criticism. For example, former Attorney General Richard Kleindienst conceded during the hearings on this bill that the LEAA program was a "morass of red-tape." Of particular concern to State and local law enforcement agencies was the often very long delays that accompanied applications for LEAA grants, the result of clumsy procedures for approval or disapproval of grant applications at both the Federal and State level. No meaningful incentive existed to insure that LEAA funds were promptly passed on to the local law enforcement person-

nel who actually do the work of reducing crime.

The law enforcement assistance amendments would require that action be taken on a grant application within 90 days of submission at the Federal level, and similarly, States would be required to approve or disapprove applications within 60 days. This reform should speed up the process of providing LEAA funds at the local level and reduce the uncertainties of grant applications that have deterred some law enforcement agencies from seeking LEAA funds.

Another important component of H.R. 8152 is the emphasis placed by the bill upon criminal justice, as well as law enforcement. This is particularly important, for the problem of crime in America is not to be solved exclusively through the purchase of police hardware—one of the more unfortunate emphases of the existing program. Increasing the emphasis of the LEAA upon criminal justice should provide a more comprehensive approach to the problems of crime by adding to the intent of the Law Enforcement Assistance Act the purpose of rehabilitating criminals as well as detecting and apprehending them.

By providing for the expedition of the flow of grant funds, and by strengthening the oversight functions of the Judiciary Committee, this bill now before us should reduce some of the rigidities of the present law. Greater flexibility in administration will be permitted at both the Federal and State levels, but Federal responsibilities over the program will be continued, thus emphasizing unified and continuous overall approaches to the problems of law enforcement and criminal justice.

One central feature of H.R. 8152 is that for the first time the Law Enforcement Assistance Act would contain provisions protecting civil rights and civil liberties. Discrimination on the basis of sex would be banned. In addition, the bill would expand the scope of State law enforcement and criminal justice planning agencies by requiring for the first time that representatives of citizen, professional, and community organizations be included in the makeup of these agencies. The bill also requires that all planning meetings be open to the public when final action is taken on State plans.

H.R. 8152 proposes substantial changes in the manner in which LEAA grants will be made to the States. These changes are designed to tie LEAA grants more closely to achievement of law enforcement and criminal justice goals. No State plan will be approved unless and until LEAA finds "a determined effort by the plan to improve law enforcement and criminal justice throughout the State." It is not enough, under the terms of the bill, that this "determined effort" be merely a wide distribution of LEAA funds geographically and/or institutionally. Rather, approval will require a "balanced and integrated" approach to the particular needs of the State.

This provision of the law will increase the leverage that LEAA has upon the States to come up with law enforcement and criminal justice plans that really work. LEAA grants are worthless unless they lead to reduced crime, and

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this will not happen unless States and local agencies make greater efforts to link LEAA grants to real law enforcement and criminal justice needs.

Local governments are assured at least 40 percent of a State's LEAA planning moneys, and the minimum allocation to each State for each State is increased by the bill from \$100,000 to \$200,000—another step necessary to improve coordination of law enforcement and criminal justice activities within individual States.

H.R. 8152 also requires that before any State plan can be approved that it must assure an:

Allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity.

This provision is designed to insure that no high-crime area is left out of a State LEAA plan. While it could be formulated in stronger terms, this provision is still an improvement over present law.

Other provisions of the bill before us today would encourage cooperation between local enforcement and criminal justice agencies, and make it possible for State planning agencies to fund local projects on a "package" basis rather than individually, as required under current law. In addition, H.R. 8152 would strengthen the National Institute of Law Enforcement and Criminal Justice, which will be given additional authority to evaluate projects, develop training programs, and act as a clearinghouse for information. LEAA will be allowed under the bill to make grants to private non-profit organizations from its discretionary funds. This means that law enforcement and criminal justice problems of a national character can be addressed in more appropriate ways than was possible under existing laws, which allowed grants only to agencies of State and local government. The law enforcement education program (LEEP) is also strengthened, and the amounts of LEEP grants and loans to individuals and institutions engaged in the study or teaching of law enforcement and criminal justice have been increased, so as to keep pace with inflation.

Mr. Chairman, the bill before us today would accomplish many needed reforms of the Law Enforcement Assistance Administration. While in some ways this bill could be strengthened further, I believe it a measure that deserves the support of this House. LEAA is the principal Federal effort to reduce the crime in our Nation's cities and towns. It should be made more effective, so that the States and the local law enforcement and criminal justice agencies that receive LEAA funds can go about the vital business of controlling crime.

Mr. FRENZEL. Mr. Chairman, I rise in support of the law enforcement assistance amendments before us today, and to congratulate the committee and subcommittee on the fine job which they performed. Too often, a program which begins with noble objectives ends up being nothing more than a morass of endless redtape commonly accomplish-

ing nothing. It is important that Congress assume an oversight function and attempt to get these programs on track so as to accomplish the original legislative intent. I believe the committee has a good job of monitoring LEAA.

The intent of the Omnibus Crime Control and Safe Streets Act was not, I believe, exclusively to provide extensive, and sometimes superfluous, armaments to our individual police units. Rather, it was not only the purpose of Congress to upgrade the quality of law enforcement personnel, but also to upgrade the whole criminal justice system in the United States.

It is important that in controlling crime we make improvements throughout the justice system to provide a balanced prevention system. Without proper correction and rehabilitation programs, without proper court and law reform, without proper community relations, any attempt to lessen crime in the United States would be less than fully effective.

In the past, LEAA has been used primarily to improve the quantity and quality of law enforcement personnel and equipment less. Emphasis has been placed on improving our correctional facilities and on developing rehabilitation and judicial programs. In the short space of 5 years, the LEAA budget will have risen from \$100 million in 1969 to \$1.75 billion in fiscal year 1973. The average percent of expenditures from 1969 through 1971 is 82.3 percent for police purposes, 10 percent for corrections, and 7.7 percent for the judiciary. This is an understandable start for LEAA, but these figures surely do not fulfill the mandate which this Congress intended for the LEAA.

The law enforcement assistance amendments which are offered today make a valiant attempt to make clear the intent of Congress that a substantial proportion of the moneys appropriated under this program go to upgrading the quality of the overall justice system in the United States. The greatly increased authorization will permit, and the committee language will encourage, greater emphasis on rehabilitation and judicial improvements, without a cutback on improvements in law enforcement efforts.

I had originally thought that guidelines should have been included to insure a balanced effort, and am still not unfriendly to that concept. However, the committee's intent is clear, and its plea for the need for flexibility in these locally originated programs is persuasive. I believe that today we are aimed at greater emphasis on prevention, without reduction in efforts to cure.

Also, I hope that these programs will continue to be closely monitored. I again congratulate the fine work of the Committee on the Judiciary and Subcommittee No. 6. I urge passage of this bill.

Mr. JAMES V. STANTON. Mr. Chairman, I am sure it is obvious to all my colleagues here that I have several very strong reservations about H.R. 8152, but nonetheless I am going to vote for this bill. I want to say very frankly that one of the major considerations tipping my vote to the positive side is quite parochial in nature. It happens that my city

of Cleveland, Ohio, is one of the eight—I emphasize, only eight—very fortunate cities across the Nation that currently are receiving some \$20 million over 3 years from the Law Enforcement Assistance Administration under the agency's so-called special impact program. I cannot ignore that fact, and I certainly want the agency's lease on life to be renewed, so that these much-needed funds are not denied to my city. But I want to add, ironically, that the very fact that Cleveland is receiving this special benefit is one of the reasons for my criticism of the present overall LEAA program.

Mr. Chairman, it has been my argument all along that all the large cities around the country—not merely eight—should have their needs addressed by this program. And they should be assured of adequate assistance automatically, as a matter of right, rather than as the consequence of a process of political selection. I have no doubt whatever that Cleveland was designated for this Federal largess because of political considerations, rather than strictly on the basis of need. I want to be blunt about it. I think the political affiliation of the mayor of Cleveland and the activity of the Congressman from Cleveland—namely, me—were probably decisive factors in Cleveland's receiving this grant. The Honorable Ralph J. Perk, of Cleveland, is one of the few Republican mayors of a large city, and the LEAA is in the control of a Republican administration here. Furthermore, the grant was awarded at a time when I had begun to severely criticize LEAA operations, week after week, and this activity by me was being accorded publicity in newspapers and other media around the country. Of course, I do not really know whether the grant was made to shut me up—that is, to undermine my argument that big cities were not getting their fair share of LEAA funds—or whether the grant would have come anyway because of our Republican mayor, or whatever. But no matter what weight, if any, is assigned to either of these two facts, I want to reiterate that I have no doubt that the decision was political.

I think a review of newspaper and other reports at the time the special impact grants were made will bear out my argument that all the circumstances suggest that, not only Cleveland, but some of the other cities as well, became beneficiaries of a political decision. For example, when my colleague, the gentleman from Ohio, JOHN SEIBERLING, and I sought information about the program at the grassroots level, by writing to mayors and other responsible criminal justice officials in the 56 largest cities, inquiring whether they were benefiting from the program, we were told unofficially in many cases that no formal criticism of the program would be forthcoming because some of the cities were hoping to be selected for special impact funding, and they did not want to prejudice their chances by being entirely frank with us, Members of Congress. In other words, some of them withheld information from this body because of this fear. It is understandable why they did

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so. As the program is presently operated, I cannot say that I blame them.

This, then, Mr. Chairman, is one of the things I have been trying to correct about the LEAA program. I have been maintaining that the large cities should have positive assurance that they will receive adequate funding, that they should not have to beg for it, and it was with this in mind that I proposed at the hearings of the Judiciary Committee a formula for an automatic passthrough of funds, through which this objective could be accomplished. I regret, of course, that the committee did not see fit to adopt this formula, or some suitable alternative to it, because, in my opinion, unless we write these requirements into the law, many cities will be in doubt, and with good reason.

For instance, Cleveland has no real assurance of adequate funding after the special impact program is concluded. What if we have a Democratic mayor by that time? I suggest, then, that the hand that gave us this money might be the hand that also takes it away. Personally, Mr. Chairman, I would much rather rely on assurances in the law than on the subjective feelings of bureaucrats who might not have Cleveland's interests in mind, and who might be more interested in running a political operation than in seeing to it that all needy parts of the country are adequately served by this program.

Now, there should not be any mystery why I keep referring to the needs of large cities as if they are deserving of special consideration. The fact is I do believe very strongly that they must have special consideration because, Mr. Chairman, they are the ones who have the most serious problem. I should think that a well operated program would seek to put the money where the crime is. Well, then, in the 56 cities of this country that have a population exceeding 250,000 persons, we find 20 percent of the country's population but—and mark this well—52 percent of the violent crime, including nearly two-thirds of the robberies. And in the 153 cities of 100,000 and more, we have 28 percent of the population, but 60.8 percent of the violent crimes, including nearly three-fourths of the robberies. Those are 1972 figures from the FBI.

We are told by the administration that there is good news in the crime statistics—that there is a decrease in the rate of increase, whatever that is supposed to mean to the average citizen, and in some places an actual small percentage decrease. Personally, though, I do not take great comfort in this. I do not think my constituents do, either. Percentages and so forth mean very little to them. How can they feel good about it when, for instance, they are told that crime in Cleveland was down 7.2 percent during the first 9 months of 1972, but yet there was a total of 46,925 felonies committed compared with 9,054 felonies 10 years earlier. How can they feel at ease, whatever the statistical trends show, when sheer numbers show that 3,939 robberies were committed during those 9 months, and 1,468 assaults? Is the Attorney General so comfortable with his statistical trends that he would care to walk the

streets of Cleveland at night? I do not think he would. I know I certainly would not, and my constituents know better and they actually stay off the streets. The fact that the streets have become empty has led to all sorts of other problems for Cleveland, and certainly this has not enhanced its image as an attractive place to live or to do business. I know I am not just talking about Cleveland, Mr. Chairman, because the Gallup poll only last January reported that Americans regard crime as—quote—the worst urban problem—unquote. Does that give us confidence in the LEAA program, which has spent \$2.5 billion over 5 years?

I would like to make another point, Mr. Chairman. I would have preferred to see this legislation authorize block grants of LEAA funds to the large metropolitan areas because it is the local officials—the mayors, the police chiefs, the judges, the probation officers, and so forth—who are in the front line in the fight against crime. The responsibility basically is theirs, and therefore they should have more autonomy in budgeting LEAA funds and assessing local priorities. Let us not kid ourselves. The State governments have neither the authority nor the expertise in this area. And even if the States did, we should want, because of the kind of democratic government we have in this country, to see to it that the police power is dispersed, that it is exercised locally by public officials who, for the most part, are elected by the people. We do not want to arm faceless bureaucrats in Washington or in the State capitals with control over the police, nor do we want to trust them to dispense justice. It seems to me that if we were to give this autonomy to our local officials, and if they then should fail to use the LEAA funds properly, then they would no longer be able to pass the buck on up to the State and Federal Governments, as the habit has been of late. Rather, they would have to answer for their derelictions at the polls.

Now, Mr. Chairman, H.R. 8152 does contain certain improvements over the present program. I hope these amendments to existing law will bear fruit. I think they may, and therefore I am going to vote for this bill, as I have said. But I think continuing oversight of this program is needed and that Congress ought to carry this out. And furthermore, I want to say in conclusion that I could not go along with this bill at all if it contained more than a 2-year authorization. The fact that we are limiting the authority to 2 years gives us an opportunity to keep a watchful eye on the LEAA, and to restructure the agency in 1975—or before—if the administrators show by their performance that they are ignoring the intent of Congress, as it is expressed in H.R. 8152.

Mr. RAILSBACK. Mr. Chairman, I urge all Members to join me in giving favorable consideration to H.R. 8152, the law enforcement assistance amendments.

There are many things that I could tell you about the Safe Streets Act of 1968 and how the Law Enforcement Assistance Administration has helped transform criminal justice in Illinois.

As in many other large States with extensive urban region, Illinois has long

had its gangsters and racketeers. Organized crime and public corruption have deeply embedded themselves into the underside of our society.

While the vast majority of its citizens are hard-working, law-abiding, decent men and women, hoodlums, and outlaws have made Chicago's name synonymous throughout the world with crime and violence.

Although this unfortunate reputation goes back to the advent of Prohibition, and perhaps earlier, both the city and the State had long been at a disadvantage in their efforts to fight crime in Chicago.

The reasons were manifold, but in summary they are as follows:

First, the past two generations of our history had brought unprecedented mobility and financial resources to those elements of society which habitually live outside the law.

Second, city and State officials had to keep within budgets too restricted to match the ever-growing needs for more effective crime-fighting weapons and techniques.

Third, jurisdictional problems, traditional parochial jealousies, and the lack of an effective statewide coordinating mechanism had made the application of existing anticrime tools less than optimum.

But, Mr. Chairman, the passage of the 1968 Safe Streets Act and the 1970 amendments have altogether altered that situation.

Today Illinois has the money, the techniques, and the coordinated planning facilities to counter corruption and racketeering. We have them because we have LEAA and a Congress and an administration that support the safe streets concept.

I have spoken in generalities. Now I shall be specific.

LEAA has concerned itself with Illinois' problems. To cite one example, LEAA has given the State a total of \$500,000 thus far to establish a Special Prosecution Unit in the Illinois Attorney General's office.

The unit is composed of eight attorneys and six investigators. It operates principally in the areas of antitrust violations, official misconduct, revenue law fraud, alcoholic beverage statute violations, liaison, and special Illinois department of law enforcement investigations.

The unit is an active partner in the Federal organized crime strike force operations in Illinois.

Let me mention some specific examples of the special prosecution unit work that the LEAA has made possible:

An investigation into janitorial service industry payoffs that were defrauding the Small Business Administration and involved illicit kickbacks from Chicago State Hospital personnel.

A probe of an Illinois State police officer accused of extorting protection money from illegal Mexican immigrants.

An investigation of ambulance operators charged with bribing Chicago Police Department and Fire Department officials.

A grand jury hearing into charges that

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an Oak Lawn park district official had been extorting money from contractors.

A financial records investigation of alcoholic beverage dispensing establishments in Peoria, Tazewell, and Woodford Counties for illegal ties with local political figures.

A series of raids of illegal drinking establishments in Evanston.

A probe excessive prices that Robbins, Ill., officials allegedly paid suppliers.

The prosecution of police officers charged with stealing from local freight yards in Riverdale.

An investigation into official misconduct in Niles, East St. Louis, Orland Park, Joliet, and Markham, Ill.

An investigation of Cook County election law frauds, which produced information forwarded to the U.S. Department of Justice.

An indictment of a State boiler inspector for receiving bribe payments for writing fraudulent certificates of approval.

An investigation of bartenders' union officials accused of bribery.

Investigations of 72 cases of tax fraud in cooperation with the Federal Bureau of Investigation, the Chicago Police Department, and Illinois law enforcement officials.

A probe of anti-trust law violations by persons accused of conspiring to allocate prices and territories and to forge invoices and receipts in connection with grass-mowing contracts along interstate highways in Illinois.

An investigation of the possible killer of an Illinois bureau of investigation narcotics agent.

This indicates the broad range and significance of the special prosecution unit's work, and Illinois is thankful to LEAA for having made it possible.

As you have heard, the unit conducted a good number of investigations that cut across jurisdictional lines in Illinois. Some of them involved multicounty work or small counties that lacked the resources for doing their own prosecution.

As you can imagine, this assistance has been exceedingly helpful to the Illinois State Attorney General, William Scott, who has said his office would be at a loss without it.

His colleagues in other States feel the same way. In a resolution passed last June, the National Association of Attorneys General reaffirmed its support for the block grant concept and called upon—

Both the Congress of the United States and the Nation's State and local governments to support LEAA in the interest of greater domestic security and a more efficient campaign to combat disorder and reduce crime.

I urge my colleagues to respond to that resolution. We must insure that Safe Streets Act help continues uninterrupted in the future.

Mr. ROSTENKOWSKI. Mr. Chairman, the most effective means of combatting the high incidence of crime in our Nation is today a subject of grave concern to all Americans. Through the continuation of the Law Enforcement Assistance Administration, \$2 billion in Federal spending will be allocated to the State governments during fiscal years 1974 and 1975.

The law enforcement assistance authorization, H.R. 8152, extends the present law and expedites the granting of funds at both the Federal and State levels. This greater flexibility in the administration of the programs allows for a more extensive protection of civil rights and encourages more community participation through open meetings. A functional law enforcement and criminal justice system is particularly essential in this age of violence and soaring rate of crime.

While this bill provides for a more efficient administrative system, it has not expedited the flow of funds to the major cities which are being plagued by the highest crime rates in the Nation. Stressing the wide dissemination of Federal funding rather than the direct channeling of grants to the hardest hit areas of crime, the LEAA has failed to strike the problem at its source. In 1971, Chicago was denied 80 percent of the funds it requested to effectuate crime control. Considering that Chicago comprises 1.66 percent of the Nation's population and has received only .46 percent of all grants awarded, it is evident that the appropriation of Federal funds does not coincide with the proportion needed.

The amendments contained in this bill will result in a vast improvement in the LEAA, which was begun in 1968. In dealing with the problems of crime, however, I feel that a better disbursement of funds is prerequisite to any legislation to promote more efficient law enforcement. The American people are more concerned with combating actual crime in an effective manner, than with developing statistics which merely reflect Government spending where it is not most needed. Thus, Mr. Chairman, I believe that in the years ahead, the LEAA should focus its efforts on reducing crime in the most needy areas rather than developing model programs in areas far removed from the hard-core crime areas of our inner cities.

Ms. HOLTZMAN. Mr. Chairman, I wish to congratulate the distinguished gentleman from New Jersey (Mr. RODINO) the chairman for the Committee on Judiciary, for his outstanding leadership in connection with the amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (H.R. 8152).

This bill represents a major contribution to the fight against crime. It expands Federal support to local law enforcement efforts and to the entire criminal justice system. It enables localities to upgrade their crime fighting efforts from the time a suspect is apprehended through the rehabilitation of criminals.

The problem of Federal assistance to local crime fighting efforts has been one that has greatly concerned me. I have spent a great deal of time analyzing the Safe Streets Act of 1968 as amended and as a result I have formulated my own proposals pertaining to the Federal assistance to local law enforcement agencies, which are embodied in H.R. 8021, a bill I introduced on this subject.

I am particularly pleased that the House Judiciary Committee accepted my amendment to eliminate redtape and speed up the flow of crime fighting funds

to localities where they are desperately needed. One of the major problems under the existing legislation is that localities often have to wait as long as a year to receive funds from the State. This will mean more funds more quickly for New York City.

In addition, as the committee report makes clear, localities will not be able to apply for a package of programs instead of having to go through the time consuming and costly process of applying to the State on a project-by-project basis. This provision could be of enormous importance to high crime areas. Under the present law, for example, New York City is required to go through as many as 190 steps each time it applies for funds under the act.

The bill has substantially strengthened civil liberties safeguards. Under the previous legislation, Federal funds were used to disseminate arrest records, surveillance reports, and other intelligence data that invade the privacy of individuals. This bill prohibits this type of activity. It will permit improved law enforcement efforts without abridging individual rights.

The bill also contains a new provision prohibiting any discrimination on the basis of sex in the use of LEAA funds.

Finally, I am pleased that there is a 2-year authorization period for this bill. This will permit, if not mandate, the Judiciary Committee to oversee implementation of the act and to insure that Federal funds are being used effectively to fight crime and improve the entire criminal justice system.

Again, I wish to commend the gentleman from New Jersey (Mr. RODINO) for this very fine bill.

Mr. RODINO. Mr. Chairman, we have no further requests for time.

Mr. HUTCHINSON. We have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—LAW ENFORCEMENT ASSISTANCE

"DECLARATIONS AND PURPOSE

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and

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strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and a Deputy Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. The Deputy Administrator shall perform such functions as the Administrator shall delegate to him, and shall perform the functions of the Administrator in the absence or incapacity of the Administrator.

PART B—PLANNING GRANTS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of State and local problems of law enforcement and criminal justice.

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plan required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency and any regional planning units (including any Criminal Justice Coordinating Council) within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizen, professional, and community organizations.

"(b) The State's planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice; and

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a find-

ing that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except such records as are required to be kept confidential by any other provisions of local, State, or Federal law.

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part. The non-Federal funding of such expenses shall be of money appropriated in the aggregate by the State or units of general local government, except that the State will provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate \$200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

"SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

"(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and criminal justice and reduce crime in public and private places.

"(2) The recruiting of law enforcement and criminal justice personnel and the training of personnel in law enforcement and criminal justice.

"(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement and criminal justice agencies.

"(4) Constructing buildings or other phys-

ical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

"(5) The organization, education, and training of special law enforcement and criminal justice units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

"(6) The organization, education, and training of regular law enforcement officers, special law enforcement and criminal justice units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

"(7) The recruiting, organization, training, and education of community service officers to serve with and assist local and State law enforcement and criminal justice agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement and criminal justice agency.

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities.

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including para-professional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

"(c) The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggre-

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gate, by State or individual units of government, for the purpose of the shared funding of such programs or projects.

"SEC. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan developed pursuant to part B of this title.

"SEC. 303. (a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, dealt with in the plan, including description of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State plan-

ning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(8) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(9) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement and criminal justice;

"(10) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(11) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the National Institute for Law Enforcement and Criminal Justice may reasonably require to evaluate pursuant to section 402(c) programs and projects carried out under this title and as the Administration may reasonable require to administer other provisions of this title; and

"(12) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice.

Any portion of the per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel.

It shall thoroughly address improved court and correctional programs and practices throughout the State.

"SEC. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an

application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

"SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or private nonprofit organizations, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State or units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government therefor for the purpose of improving law enforcement and criminal justice.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

"SEC. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control

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of organized crime and of riots and other violent civil disorders.

"SEC. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval) within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 302(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section, the term 'date of submission' means the date on which a State plan which the State has designated as the 'final State plan application' for the appropriate fiscal year is delivered to the Administration.

"PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and criminal justice, and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

"SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as 'Institute'). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to State and local governments, and to develop and support programs for the training of law enforcement and criminal justice personnel.

"(b) The Institute is authorized—

"(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement and criminal justice;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided, under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to assist in conducting, at the request of a State or a unit of general local government or a combination thereof, local or regional training programs for the training of State and local law enforcement and criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution or defense of those charged with crime, corrections, rehabilitation, probation and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of general local government. While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service; and

"(7) to establish a research center to carry out the programs described in this section.

"(c) The Institute shall serve as a national clearinghouse for information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

"The Institute shall undertake, where possible, to evaluate various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

"The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), shall describe and in such report the potential benefits of such activities of law enforcement and criminal justice and the results of the evaluations made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Administration shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement and criminal justice personnel; and

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"SEC. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided*, That—

"(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

"(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

"SEC. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding \$1,800 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

"(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition, books and fees, not exceeding \$200 per academic quarter or \$800 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement and criminal justice or an area suitable for persons employed in law enforcement and criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement and criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement, in institutions of

higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement and criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement and criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

"(f) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for grants not exceeding \$50 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

"Sec. 407. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"Sec. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"Sec. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 303 of this title.

"Sec. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or

renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and post adjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those in probation, parole, and rehabilitation;

"(9) complies with the requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7) (8), (9), (10), and (12) of section 308 of this title.

"Sec. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"Sec. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 90 per centum of the cost of the program or project for which such grant is made. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate by the State or units of general local government. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

PART F—ADMINISTRATIVE PROVISIONS

"Sec. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general

local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

"Sec. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

"Sec. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

"Sec. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"Sec. 505. Section 5314 of title 5, United States Code, is amended by adding at the end thereof—

"(55) Administrator of Law Enforcement Assistance.'

"Sec. 506. Section 5315 of title 5, United States Code, is amended by adding at the end thereof—

"(90) Associate Administrator of Law Enforcement Assistance.'

"Sec. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"Sec. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals.

"Sec. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Administration under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title; the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

"Sec. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant,

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discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"Sec. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1251 of title 28, United States Code.

"Sec. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the four succeeding fiscal years.

"Sec. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administra-

tion. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

"Sec. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

"Sec. 515. The Administration is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under this title;

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States; and

"(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement and criminal justice.

Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate.

"Sec. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblies notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding or transporting conventions or meetings,' approved February 2, 1935 (31 U.S.C. sec. 551).

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

"Sec. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"Sec. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b) (1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity

funded in whole or in part with funds made available under this title.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (b) (1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within sixty days after such notification the chief executive fails or refuses to secure compliance, the Administration shall exercise the powers and functions provided in section 509 of this title, and is authorized—

"(A) to institute an appropriate civil action;

"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

"(C) to take such other action as may be provided by law.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"Sec. 519. On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"Sec. 520. There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed \$1,000,000,000 for the fiscal year ending June 30, 1974, and \$1,000,000,000 for each succeeding fiscal year through the fiscal year ending June 3, 1978. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"Sec. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subcontract or subcontract from primary grantees or contractors of the Administration.

"Sec. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting 'law enforcement facilities,' immediately after 'transportation facilities.'

"Sec. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State or unit of general local government may be used to provide up to 90 percent of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggre-

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gate by the State or units of general local government.

"SEC. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title—

"(1) shall use any information furnished by any private person under this title for any purpose other than to carry out the provisions of this title; or

"(2) shall reveal to any person, other than to carry out the provisions of this title, any information furnished under the title and identifiable to any specific private person furnishing such information.

Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"b) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed \$10,000, in addition to any other penalty imposed by law.

PART G—DEFINITIONS

"SEC. 601. As used in this title—

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth, parish, village, or other general or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purposes of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title; provided, however, that such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical

facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institution as defined by section 501(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) The term 'comprehensive' means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures.

PART H—CRIMINAL PENALTIES

"SEC. 651. Whoever embezzles, willfully misappropriates, steals, or obtain by fraud or attempts to embezzle, willfully misappropriates, steals, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misappropriated, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

"SEC. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"SEC. 653. Any law enforcement program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

PART I—ATTORNEY GENERAL'S ANNUAL REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

"SEC. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within ninety days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act of 1968, the Gun Control Act of 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance)."

SEC. 2. (a) Section 5315 of title 5, United States Code, is amended by striking out the following:

"(90) Associate Administrator of Law Enforcement Assistance (2)."

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Deputy Administrator of the Law Enforcement Assistance Administration."

SEC. 3. The amendments made by this Act shall take effect on and after July 1, 1973.

Mr. RODINO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Chairman, the entire bill being open to amendment at any point, I ask unanimous consent that those committee amendments printed in the bill and numbered 18 through 33 on page 3 of the committee report be considered en bloc. Those amendments are purely technical in nature.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments numbered 18 through 33:

Page 8, line 23, insert "and criminal justice" immediately after "law enforcement".

Page 13, line 14, strike out "of".

Page 23, line 6, insert a comma immediately after "conducting".

Page 24, line 18, insert "and" immediately before "shall describe".

Page 39, line 20, strike out "1251" and insert in lieu thereof "1254".

Page 44, line 2, strike out "unit" and insert in lieu thereof "units".

Page 50, line 12, strike out ", the" and insert in lieu thereof a semicolon.

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Page 50, line 13, strike out "and" immediately before "custodial treatment" and insert in lieu thereof a semicolon.

Page 50, line 17, strike out "obtain" and insert in lieu thereof "obtains".

Page 51, line 10, insert "and criminal justice" immediately after "law enforcement".

Page 49, line 12, strike out "501(a)" and insert in lieu thereof "1201(a)".

Page 49, line 13, strike out "79 Stat. 1269".

Page 2, line 15, insert a semicolon immediately before "(2)".

Page 2, line 17, insert a semicolon immediately before "and (3)".

Page 52, line 17, strike out "(131)" and insert in lieu thereof "(133)", and strike out "the".

Page 52, line 18, strike out "Administration".

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, beginning on line 6 and ending on line 7, strike out "(including any Criminal Justice Coordinating Council)".

Mr. DENNIS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-four Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 234]

Adams	Frelinghuysen	Patman
Alexander	Fulton	Quillen
Ashbrook	Gray	Rarick
Badillo	Hansen, Wash.	Reid
Blackburn	Harsha	Riegle
Brasco	Hawkins	Roncalio, Wyo.
Burke, Calif.	Hebert	Rooney, N.Y.
Carter	Landgrebe	Rosenthal
Chisholm	Littton	Ruppe
Cochran	Long, Md.	Sandman
Culver	Maillard	Schroeder
Danielson	Mathias, Calif.	Stuckey
Davis, S.C.	Meicher	Teague, Tex.
Diggs	Minshall, Ohio	Thompson, N.J.
Dingell	Moorhead, Pa.	Van Deelen
Edwards, Ala.	Mosher	Wiggins
Evins, Tenn.	Moss	Wilson, Bob
Fisher	Nix	
Fraser	Owens	

Accordingly the Committee rose; and the Speaker having resumed the chair, MR. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8152, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 378 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

COMMITTEE AMENDMENTS

The CHAIRMAN. When the Committee rose, the bill was open to amendment at any point and the Clerk had reported the first committee amendment. The Clerk will rereport the first committee amendment.

The Clerk reread the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, lines 10 through 18, strike out section 204 and insert in lieu thereof the following:

"Sec. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this parts, and may be up to 100 per centum of the expenses incurred by regional planning units under this part. The non-Federal funding of such expenses, shall be of money appropriated in the aggregate by the State or units of general local government, except that the State shall provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 15, line 2, after "title;" strike out "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 15, line 8, strike out the period, insert a semi-colon and the word "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, after line 8, insert the following:

"(18) provide for procedures that will ensure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than 60 days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within 60 days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 27, line 2, strike out "\$1,800" and insert in lieu thereof "\$2,200".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 27, line 24, strike out "\$200", and insert in lieu thereof "\$250".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 27, line 24, strike out "\$300" and insert in lieu thereof "\$400".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 29, line 21, strike out "\$50" and insert in lieu thereof "\$65".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 32, line 23, strike out "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 32, immediately after line 23, insert the following new paragraph:

"(9) provides necessary arrangements for the development and operation of narcotic treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts or drug abusers; and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 33, line 5, strike out "(9)" and insert in lieu thereof "(10)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 33, immediately after line 11, insert the following new paragraph:

"In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 39, line 24, strike out "four succeeding fiscal years" and insert in lieu thereof "fiscal year ending June 30, 1975".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

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Committee amendment: Page 44, line 8, strike out "each succeeding fiscal year through the fiscal year ending June 30, 1978" and insert in lieu thereof "the fiscal year ending June 30, 1975".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 46, line 1, strike out:

"(1) shall use any information furnished by any private person under this title for any purpose other than to carry out the provisions of this title; or

"(2) shall reveal to any person, other than to carry out the provisions of this title, any information furnished under the title and identifiable to any specific private person furnishing such information."

And insert in lieu thereof the following: shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title."

The committee amendment was agreed to.

COMMITTEE AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Chairman, I have an amendment. It is a committee amendment correctly listed in the report, but omitted from the Union Calendar bill as printed. The amendment is at the desk.

The CHAIRMAN. The Clerk will report the committee amendment offered by the gentleman from New Jersey (Mr. RODINO).

The Clerk read as follows:

Committee amendment offered by Mr. RODINO: Page 11, immediately after line 3, insert the following:

"(d) Not more than one-third of any grant made under this section may be expended for the compensation of police. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs."

AMENDMENT OFFERED BY MR. DENNIS TO THE COMMITTEE AMENDMENT OFFERED BY MR. RODINO

Mr. DENNIS. Mr. Chairman, I offer an amendment to the committee amendment offered by Mr. RODINO.

The Clerk read as follows:

Amendment offered by Mr. DENNIS to the committee amendment offered by Mr. RODINO: After "compensation of police" add the following: "And other regular law enforcement and criminal justice personnel."

Mr. DENNIS. Mr. Chairman, the committee amendment which has been offered by my distinguished chairman, the gentleman from New Jersey, provides in essence that not more than one-third of the criminal justice law enforcement grants provided in this measure can be used for the payment of salaries of local police, although that amendment does not apply to officers who might be engaged in research, development, training, or various temporary and innovative

measures of that kind. My amendment simply adds to the amendment and adds to those who are covered by the restriction the words "and other regular law enforcement and criminal justice personnel."

The effect of this is that not more than one-third of the grants can be used for these salaries of police. The exemption for those engaged in special work still applies just the same as in the committee amendment.

The reason for this limitation goes back to the original bill and the amendment I propose is essentially merely putting the law where it is today.

It was thought when the LEAA bill was first adopted that what we were trying to do was to encourage new departures and innovative experiments in criminal justice and law enforcement and trying to get the States and communities to do things they were not now doing. For that reason it was recognized from the beginning, and it was placed in the law from the beginning, that only a limited amount of Federal grants could be used to pay ordinary salaries, that is, the things the States and the cities were already taking care of. We wanted to make this a bill to improve criminal justice law enforcement; we did not want to make it a bill just for revenue sharing or the paying of local salaries. We knew if we did and left it wide open, one city would try to do the job and use the money for innovative purposes and another would yield to the temptation to pay salaries, which would put the pressure on the first city, which would then have to abandon its programs, and so on. In other words, the money would all go into regular pay, which is not what the Congress wanted to do.

So the limitation was put in that not more than one-third of the grant should be used for salaries. That included all law enforcement salaries, and it does include them all in the present law.

The committee amendment adopted in the committee—it is hard to see why—confines that limitation to policemen only. The effect of that is that there is no limitation on other personnel. You can use all of this Federal money when it comes to paying the salary of a prosecuting attorney or a criminal court judge or a probation officer or a parole agent or a public defender. There is no limitation on there, except for policemen, unless you adopt my amendment to this committee amendment.

I fail to see the reason for that, and I think if we do not adopt this amendment, we go far toward destroying the whole original purpose of this bill, which was to restrict the use of this money for salaries.

Remember today under Supreme Court decisions you must appoint a public defender, for example, in every criminal case, felony, or misdemeanor. I believe in that, but if you are going to use this Federal money for that purpose without restriction, you are going to spend most of the grants paying attorneys fees for lawyers, which is not what this bill is designed to do.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to my friend, the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. DENNIS was allowed to proceed for two additional minutes.)

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, is it not true that, insofar as the public defenders in the Federal courts are concerned, they are taken care of by a separate appropriation in the Justice Department appropriation bill?

Mr. DENNIS. That is correct. What we are talking about here is grants to the States for State prosecuting attorneys, and defenders.

Mr. McCLORY. If the gentleman will yield further, is it not true that originally we provided a blanket prohibition against the payment of police salaries in the omnibus crime bill, and this amendment which authorizes the payment of not to exceed one-third of the salaries was by way of amendment to assist the local communities?

Mr. DENNIS. That is right. We have liberalized it from the original law. Now we only have a limitation of one-third. And why that should not apply to all local salaries is more than I can see, unless we want to change the whole bill into a local salary bill for criminal justice personnel, which I do not think is what we are trying to do.

Mr. McCLORY. Then with regard to the public defenders' salaries of State courts or local courts, those should and are presently being taken care of by State and local appropriations?

Mr. DENNIS. That is correct; the States basically still enforce criminal law, that is what we say in this bill, and that we are trying to help them experiment and improve the administration of criminal justice; but we are not trying to pass a local salary bill for all criminal justice personnel. And this one-third limitation should apply to all of them, and not just police personnel. I do not know why we should discriminate against the policeman.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(On request of Mr. McCLORY, and by unanimous consent, Mr. DENNIS was allowed to proceed for 2 additional minutes.)

Mr. McCLORY. Will the gentleman yield further?

Mr. DENNIS. I yield further to the gentleman from Illinois.

Mr. McCLORY. With regard to innovative programs or other kinds of things that are undertaken by local units of government with regard to the law enforcement or criminal operations, or whatever the aspect of the fight against crime might be, the amendment does not bar any payment of salaries with regard to programs of that kind, does it?

Mr. DENNIS. It does not, and both my version and the committee version specifically provide. The only difference is that in the committee version you can only use up to one-third of the Federal grant for police salaries, but you can use all of it for any other law-enforcement

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salaries. My amendment would say you could only use up to one-third of the Federal grant for all law enforcement and criminal justice salaries. That is the whole thrust of the amendment. It is consistent with the purposes of the bill. I hope the amendment will be adopted by the committee.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. DENNIS).

(Mr. RODINO asked and was given permission to revise and extend his remarks.)

Mr. RODINO. Mr. Chairman, I am in complete and wholehearted agreement with the expressed need to assure that the moneys made available under this Program are not used to supplant local funds and local responsibilities. The restriction on the use of LEAA funds to compensate police is crucial and is absolutely retained by the Committee amendment. The additional views submitted in the report by the distinguished minority members of the committee very correctly point out that these Federal funds must represent extra capital earmarked for initiating new ideas, and are too scarce to be absorbed in merely perpetuating a failing system. Those views also correctly point out that Federal resources under the act are too scarce and certainly insufficient to pay the bills of city police departments. The committee amendment, recognizing that very point, has, therefore, retained verbatim the current limitations on compensation of police.

But the greatest purpose we have in extending this program, the most persistent objective of this legislation, is the upgrading of the entire criminal justice system. We must assist the States and localities in achieving the priorities they themselves set in the course of their comprehensive planning. Some of their greatest needs, they tell us, in upgrading the system, are personnel needs—to make more productive court administration, for example, so as to speed the dispensation of justice; to make more constructive correctional programs so as to allow true rehabilitation for the protection of society; to reduce court backlog by providing expanded prosecutorial and defender resources. Court administrators, prosecutors and defenders have all told the committee that they have real needs in this area. Wardens are on record to the same effect.

Mr. Chairman, the committee amendment would address these needs while at the same time retaining the existing limitations on compensation of police, and, most important, containing a built-in check against abuse. All use of these funds must be approved by LEAA as they relate to State plans and by States as they relate to localities. No program can be approved if it is inconsistent with the act, and no program can be consistent with the act if personnel are compensated so as to violate the very important premise that these moneys must be nonsupplantive of local funds and responsibilities. That premise is written into the act, and remains a part of section 303(c). We are in no danger of jeopardizing the premise of this program.

Finally, Mr. Chairman, there has been some discussion that the Argersinger decision makes the committee amendment all the more uncertain. Language to that effect was contained in additional views submitted by the distinguished minority. I believe it is wholly faulty reasoning. By letter of June 13, the American Bar Association agrees. The ABA feels that whatever additional Federal funds are appropriately available would be great assets in the fight against crime. Section 301(d) is not subject to abuse; it is, on the contrary, a potentially valid tool in the fight against crime.

Mr. DENNIS. Will my distinguished chairman yield?

Mr. RODINO. I yield to the gentleman from Indiana.

Mr. DENNIS. If we are going to accept the principle that there should be a limitation here at all, why should be apply it to policemen only and not to these other personnel? Does not the same principle apply equally to all of them, as long as we are talking, as we are, about regular salaries for regular duty?

Mr. RODINO. I would merely explain to the gentleman that while police are encompassed within the definition, the other individuals, to whom I have alluded—those who are the court administrators, the prosecutors, the defenders, people who come outside of the police spectrum, those who come within the other spectrum of criminal justice—are not included within that one-third restriction. The committee had abundant testimony that these other personnel have real needs and are thus not included.

Mr. DENNIS. They are not, but what I am asking my chairman is: Why should they not be, if we accept the principle that there ought to be a limitation? What is the difference? Why do we want to pay all our money out for lawyers—which I think is a very beneficial idea in general—and not to policemen?

Mr. SEIBERLING. Mr. Chairman, would the chairman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I just had a conversation this weekend with a judge who is in charge of the juvenile court in my county. He was pointing out to me that he was looking forward to this law being passed because he could not get the kind of personnel that he needed out of local funds to do certain exploratory and innovative work in working with juveniles in his county. We do not need to have a lot of innovative salaried people among the police, strictly speaking, but we do need innovation in the administration of courts, and for example, and that is exactly what this law permits us to do—to have funds more flexibly available for administrative purposes.

Mr. DENNIS. Mr. Chairman, would the gentleman yield?

Mr. RODINO. I yield to the gentleman from Indiana.

Mr. DENNIS. I should like to point out to my friend, the gentleman from Ohio, that both under the amendment of the chairman and under my amendment this

limitation does not apply to the type of case the gentleman is talking about.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment. I just want to remind the committee again that the present law, the law that has been in effect since the beginning of LEAA 5 years ago, says that not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law-enforcement personnel.

The purpose of that limitation was, as the gentleman from Indiana (Mr. DENNIS) has forcefully pointed out, that there was a concern in the Congress that unless some kind of limitation were written in, we could in many States, and certainly in many localities, find that practically all, if not all, of the funds made available through the LEAA would end up in simply paying additional compensation and increased salaries to all kinds of law-enforcement personnel.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I join with the concern expressed by my friend, the gentleman from Michigan. I recall very well the debate on the floor when we first dealt with the LEAA. There were many of us in the House who thought that having any money going for salaries would divert the purpose of the bill which would provide for the first time imaginative and innovative projects for law enforcement. I think our concern is justified because it looks as if this could be exactly the kind of loophole that could be used to divert from other worthwhile purposes money to be used for salaries, and then we will have a tremendous increase, such as we have already seen, in the LEAA expenses.

Mr. HUTCHINSON. I thank the gentleman from Illinois.

I would like to remind the committee that when we were debating this matter initially 5 years ago it was pointed out if Federal funds are used in some localities to increase salaries of their personnel, other competing jurisdictions will be pressured into doing the same thing, thereby aggravating the need to divert LEAA funds from their proper purpose, that is to seek out new ways and improved methods of law enforcement. So many of these funds will be diverted simply to the payment of salaries, and that will force communities to be competing with each other for the very best regular police and other law enforcement personnel.

The purpose of this limitation to my mind is so obvious that it is hard for me to understand why there should be controversy over it. I feel this is an extremely important feature of the law, that if we wipe out this limitation or, as the committee has done, restrict it simply to the application of regular police salaries and let all the rest of the law enforcement and criminal justice system be financed in whole or in part by Federal funds, the laudable purpose

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and goal of LEAA will have been destroyed.

Mr. Chairman, I ask that the amendment offered by the gentleman from Indiana (Mr. DENNIS) be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS) to the committee amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment to the committee amendment offered by Mr. RODINO was agreed to.

The committee amendment offered by Mr. RODINO, as amended, was agreed to.

AMENDMENT OFFERED BY MR. KEATING

MR. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEATING: On page 4, line 11, strike out the word "shall" and insert in lieu thereof the word "may".

MR. KEATING. Mr. Chairman, the amendment is a very small one which I am proposing at this time. However I would like to read the section to which it applies:

The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizen, professional, and community organizations.

Mr. Chairman, we are talking about the composition of the State Planning Agency and any regional planning units within the State, and the part I want to change reads as follows:

And shall include representatives of citizen, professional, and community organizations.

Instead of making it mandatory to include representatives of citizen, professional, and community organizations, I propose to change the word "shall" to "may". This section was not in the law previously. If it is to be a part of the law, I want to make it a permissive, so that State planning agencies and regional planning units can be flexible and have the proper proportion of people with more accountability.

The bill reported by the committee states that the planning agencies and regional planning units shall have representatives from citizen, professional, and community organizations. This amendment, I repeat, changes the word from "shall" to "may".

The terms used in the bill, "citizen, professional, and community organizations" are vague at best. To make inclusion on State planning boards and regional planning units mandatory would open the door for lots of complaints regarding the composition of each board. The resulting litigation would slow the flow of funds to State and local governments for law enforcement activities.

It was for this reason the House-Senate conference report excluded this language in the conference report of the LEAA bill in 1970.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

MR. KEATING. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I want to commend the gentleman for offering this amendment. I think that to leave this language in, in a mandatory form which the bill does now, is very mischievous. At the same time, the gentleman's amendment leaves the flexibility in the law so that if a governor wants to appoint responsible individuals from private citizen, professional or community organizations, he may do so. However, if we make this as a mandatory requirement, it could enable these groups to sue for membership and make a lot of trouble trying to get on the board of a State planning agency.

Mr. Chairman, I commend the gentleman for offering this amendment.

MR. KEATING. The intent of the law was not to make the language exclusionary by stating that law enforcement and local government officials shall serve on boards with interested private citizen participation. By adopting my amendment, we will make clear that the language is not exclusionary and these other groups may serve on the State planning board.

While private citizens do have a role to play, they do not have the accountability, and accountability is something we have heard an awful lot about lately. They do not have the accountability of elected officials. By adding the line that these other nonofficial groups be on the boards were diluting the role of officers who were elected by the people and had the responsibility to operate the program.

This amendment was offered in the full committee on the judiciary and failed on a vote of 18 to 18.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

MR. KEATING. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, let me ask the gentleman this: Would he not agree, though, that in some parts of this bill it is desirable and really should be mandatory that private citizens participate? I am thinking particularly of the section which deals with building correctional institutions and the sites for those institutions.

Does not the gentleman think that people affected by where this institution is going to be should have a voice as to where the institution should be located?

MR. KEATING. The local people always have an opportunity to express themselves to their elected officials.

It is my opinion that the elected officials are the accountable officials to the electorate, and they should be making the decisions.

Here, we are granting permission to include those people if they go desire. But I do not wish to mandate it.

Mr. KAZEN. But the gentleman is correct, generally speaking, that the local officials are responsible, but—

The CHAIRMAN. The time of the gentleman from Ohio has expired.

By unanimous consent, Mr. KEATING was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

MR. KEATING. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, we have had this out in my district where the county commissioner unit, which is composed of four commissioners and a county judge, the vote was 4 to 1. The commissioner representing the area in which the correctional institution was going to be built did not want it and he was representing the people who did not want it there, but neither did the others, so they ganged up on him and had a vote of 4 to 1 to put it in his district simply because under the bill Federal funds cannot be used for purchase of land and this was the only piece of land the county had, and they were not about to go out and purchase anything else.

They wanted to make use of the land they already had, but it just so happened to be in a neighborhood where the people did not want this, and they had absolutely nothing to say about it.

MR. KEATING. I think that is why we elect our officials, so they can make the judgments. They are accountable to the people. These are simple zoning problems. We are constantly going to have those, whether it is for housing developments or what have you.

Mr. KAZEN. Does not the gentleman agree that if we want citizen participation at the planning stage, we would not run into these problems, because every single Member of the body is going to have to face this situation.

MR. KEATING. I suggest that we will never get anything done if we do not do that. If we make it mandatory and mandate this kind of conduct, we are never going to get the job done. We need that flexibility. The statute must be permissive.

This is the reason why it was not written into the 1970 bill.

Mr. KAZEN. I submit that the more local participation there is on the planning end of it the better off we will be.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

(Mr. RODINO asked and was given permission to revise and extend his remarks.)

Mr. RODINO. Mr. Chairman, it seems to me that the two keys to an effective LEAA program are planning and citizen involvement. Without intelligent and comprehensive planning, there can be no assurance that the scarce resources available under this act will be wisely spent, or will address a coordinated, balanced system of criminal justice. But, more important, without citizen and community participation in the planning process, the most vital need of all will be neglected: the need to involve all our people on a personal level in the fight against crime.

Every citizen and every community has a vital stake in the problems of crime and criminal justice. Yet, the one point emphatically made over and over again by witnesses appearing before the subcommittee was that State planning agencies are unrepresentative of anyone beyond governmental or criminal justice

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professionals. The contributions made to planning agencies by police, court administrators, wardens, sheriffs, judges, city and county administrators are of course important and necessary, but no process can legitimately set State priorities for dealing with the most pressing domestic issue—crime—without meaningful input from the citizens and communities affected.

The new provision in this bill does not "tie the hands" of any Governor appointing planning agency members—it most assuredly does not provide that every citizen and every community organization who wishes membership is automatically entitled as a matter of right to appointment by the Governor. Rather it only assures that among those appointed to the State planning agency by the Governor must be some representatives of these organizations. It is not a complicated provision, it does not invite interminable litigation and it does not give every American an inalienable right to appointment to a State planning agency. It does, however, assure for the first time that those closest to, and most affected by, the problems of crime will have some voice in establishing priorities for the use of their tax dollars in attacking these problems.

I oppose the Keating amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Michigan.

Mr. CONYERS. During the subcommittee hearings did not all the Governors and their representatives and regional heads testify in favor of this kind of provision?

Mr. RODINO. That is absolutely so. Witness after witness testified to the need.

Mr. CONYERS. Mr. Chairman, I would be surprised to hear a Governor come before a congressional committee and ask not to have such a provision. If he did, that would be precisely a reason why we need this kind of provision in. I hope it stays in.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I believe it is true that such citizen representatives have been valuable members of State planning agencies. However, there was no provision in the law up to the present time on that.

It is my feeling that we should leave the subject open. We should leave it flexible. We should merely grant authority to appoint such representative individuals.

By writing it into the law as a mandatory provision, it will produce much trouble. Some persons who claim they represent some organization to combat crime could sue to get on the State planning agency. That would be very disruptive, and that is the thing I want to avoid.

Mr. RODINO. I believe the gentleman labors under a misapprehension. There is nothing in the "shall" language except to say that citizen organizations, com-

munity organizations, shall be represented.

I am sure in the discretion of the Governor this could easily be done. There is no tying down of the Governor to say that he must appoint a particular citizen or a representative of a particular community organization.

Mr. McCLORY. But if the gentleman will yield further, let me point out that if we have a mandatory provision in there, then a person can claim that he is such a person and is entitled to representation.

Mr. CONYERS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. Mr. Chairman, I will yield in just a moment.

Mr. Chairman, let us understand that this is not an "organization" amendment. This is not a provision to allow organizations to come on to the State planning agencies.

Mr. McCLORY. Mr. Chairman, will the gentleman from Michigan (Mr. CONYERS) yield?

Mr. CONYERS. I will not yield right now. I want to use some of the 5 minutes I have.

Mr. Chairman, this is an amendment that says to the Governors of the various States that they should appoint and ought to appoint citizens who are not, in fact, sheriffs, mayors, judges, law enforcement officials, or wardens to the State planning agencies. It is something that all of the Governors, I think, would agree to, and the ones who would not agree ought not to be heard to prevent this from happening.

After all, we are trying to get some grassroots involved in this at the beginning level. Organizations have no right when this provision to sue or to otherwise challenge the prerogative of the Governors in making this selection.

Mr. SEIBERLING. Mr. Chairman, will the gentleman from Michigan (Mr. CONYERS) yield?

Mr. CONYERS. At this point I will yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I respect the opinions of the other distinguished lawyers who are members of this committee, and, in particular, the gentleman from Ohio who offered this amendment. But all we have to do is to read the plain language of the bill.

Mr. Chairman, it does not limit or restrict the Governor, except to say that he shall appoint some representatives of citizen, community, and professional organizations; it does not say how many. It simply says there shall be some, and it gives the Governor total latitude in deciding who they should be.

Mr. CONYERS. Mr. Chairman, I want to point out that it does not say the Governor should appoint any sheriffs either, but I am sure most Governors will appoint some law enforcement official. If the Governor appoints one citizen

anywhere throughout the State of Illinois, he would have satisfied the requirements of the bill that we are debating at this point.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I would hope that the gentleman's statement would be correct, but I do not think that from the language of the bill we could say that that is true. The bill specifies "organizations," and a person who comes in and says that he is a representative of an organization and that this organization is not represented on the State planning agency can then assert that he is entitled to membership. It seems to me we are virtually forcing the Governor and the State planning agency to accept such representatives—as members of the State planning agency.

Mr. CONYERS. Mr. Chairman, the gentleman is seriously misconstruing some very simple language that I am sure none of the Governors will have any trouble with once they see this enacted.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I cannot yield any further.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, what the gentleman from Illinois (Mr. McCLORY) is saying is that to satisfy this provision every single organization in the State will have a right to be represented, and that is an obvious absurdity. It says no such thing. We can have three people appointed to the State planning agency and satisfy this entire provision, and the Governor could pick them from all sectors of the society.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. No, I will not yield.

It is a little strange to me, Mr. Chairman, that here in the House of Representatives, supposedly that body of the national legislature most closely associated with the people, we should have such so much concern in decisions on behalf of Governors.

The Governors are not worried about it, the planning agencies are not worried about it, and if we can reassure each and every Member of the Congress, "Don't worry about the people; they are not going to hurt you. They are your friends. Many of them voted for you, and if they hear that you supported this provision in the language, they will be encouraged in the proposition that perhaps you believe in them a little bit. So let us hear it for the people on this one."

Mr. DRINAN. Mr. Chairman, I rise in opposition to the amendment.

This is a new concept in LEAA and it is put there because crime continues to escalate despite the fact that the Federal Government has spent billions of dollars over the last 5 years to eliminate crime. One of the objectives of this section is to open up the "establishment" of law enforcement groups in order to let the citizens find out what is happening.

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If you change this "shall" to "may," you will give nothing to the Governors or to any official. They now have the right to put people on the planning board in an advisory capacity and even in a voting capacity. We have to retain "shall" so that we will have representatives of citizens groups, such as the president of the League of Women Voters or the president of the State bar association or the executive director of a local Urban League.

It has been asserted that this will dilute the accountability of law enforcement officials. It does not do that. If we have citizens on the planning boards of the LEAA we create a situation which will allow and require public officials to tell the public about crime and to do the work of the public in the public forum. Citizen participation will force law enforcement officials to be accountable. The section challenged by this amendment will, for the first time, open the door to citizens, professional people and community organizations.

Mr. Chairman, I hope that the Keating amendment is defeated. With public representatives present on the planning boards of the LEAA perhaps we will finally find out why, despite LEAA, crime continues to escalate.

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to make a few comments. I think these are responsive to some of the statements that have been made here earlier in the debate.

In the first place, the impact of the LEAA legislation which we are enacting today is to repose responsibility in the State and local officials. To suggest that what we are doing is to impose it in public citizen groups or self-proclaimed public groups would be misstating what we are undertaking to do.

Actually, the amendment offered here—and it is an amendment to the existing law—when we add the words "representatives of citizens and professional and community organizations," it means that we are giving an opportunity to some of the responsible organizations concerning themselves with the subject of crime and rehabilitation and community relations and so on to serve on State planning agencies. We are giving them an opportunity. We are providing by legislation the authority for them to serve on the State planning agency.

However, to mandate it and say that the Governors must appoint these persons who are representatives of these organizations it seems to me we are inviting a lot of trouble for our Governors. For one thing, I do not think it is possible to appoint a representative of the League of Women Voters and say that this satisfies the need for having a representative of the State bar association or something like that.

If we want to give the kind of flexibility and authority and at the same time repose the kind of responsibility that we are giving in this legislation to these elected State and local officials, then it seems to me we must leave this provision discretionary and not mandatory as has been suggested here.

There are a great many self-proclaimed and do-good organizations who think they are clothed with all the knowledge there is with regard to the fight against crime. What is to prevent them from requiring service on the State planning agency if we mandate that agency to have them appointed?

Mr. CONYERS. Will the gentleman yield?

Mr. McCLORY. I am happy to yield to the gentleman.

Mr. CONYERS. I would like the gentleman to understand that Governors have to face this almost every day in the week. There are plenty of other agencies that they have to appoint for citizen participation. Some of it is mandatory, and some of it is permissive. All we are trying to say through this language effective in the committee is that we want to see a representative group in the planning process as it begins.

Mr. McCLORY. Exactly.

Mr. CONYERS. It does not say organizations have to be there and it is not to go there.

Mr. McCLORY. I refuse to yield further, because I want to respond to the gentleman.

It does say "organizations," because the word "organization" is in the amendment.

Representatives of organizations will demand to serve on State planning agencies, and there is no reason for us to assume that they will all be the right kind of representatives—or organizations. We should leave that decision up to the Governors. It would be a mistake to assume that all organizations would be content to rely on a Governor's decision—if we require him to appoint multiple representatives of all such organizations. That is why I say it is important for us to leave it up to the Governors as to whom they appoint. I think there should be representatives of civic organizations and citizens' organizations, and they can be named to the State planning agency as they have been in the past, and no doubt they will be in the future, but we do not want to force State planning agencies to take any particular individual, and that is the danger of mandating this into the bill.

Mr. RODINO. If the gentleman will yield, I do not see where there is anything in this provision that says that any particular citizen is required to be appointed. It merely states that there shall be some representative.

Mr. McCLORY. That is true, but let me say this: It says it shall include representatives, and if a person comes in and says that he or she is not being represented by the other citizens' groups there, then they can say they are entitled to representation, too. That is the way I understand it, and I do not believe it should be mandated into the law.

Mr. RODINO. But the fact is that the Governors may use discretion, and are aware of the need for active participation.

Mr. McCLORY. And they should.

Mr. RODINO. However, we have found there are areas where this is not true. So would not the gentleman agree with me that if we are going to have citizens' tax

dollars to fight crime, which is a local matter, that there ought to be some citizen involvement?

Mr. McCLORY. I want the primary responsibility in the elected officials, and if they do not do their job then the electors can dispose of them, but I do not want to require them to have some citizens' representatives on there if they do not find that they contribute anything. You should give them the authority and leave it that way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILFORD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. KEATING).

(Mr. MILFORD asked and was given permission to revise and extend his remarks.)

Mr. MILFORD. Mr. Chairman, I rise to support the Keating amendment. The State Planning Agency is the very heart of our Federal Law Enforcement Assistance plan. Of necessity, this agency must be made up of professionals. That is, professionals in law enforcement. It is not a debating society.

Professional law enforcement people are technicians of a discipline. Not at all unlike physicians in the field of medicine. Each have spent a lifetime in studying their field.

The State Planning Agencies are already made up of these law enforcement professionals and they already have citizen representatives. In my own State of Texas. We call this agency the "Criminal Justice Council." Members of this Council are made up of professional law enforcement officers, district attorneys, defense attorneys, penal officials, educators, and law school deans. These councilmen come from all parts of the State.

Furthermore, members of the State Criminal Justice Council are chairmen of regional criminal justice councils, thereby taking representation down into each county and major city.

It is my understanding that other States have similar State planning agencies.

Therefore, present State planning agencies are already being represented by professionals, citizens, and community organization.

Now, the committee bill goes further. It requires the inclusion of "representatives of citizens and community organizations." This part of the bill worries me, very much. What citizens? What community organizations?

There used to be a list of organizations we had to swear we had never joined before we could go to work for the Federal Government. More recently there have been organizations whose stated purpose was to disrupt the American process. You saw what some of these organizations think of law enforcement officers in 1968 at Chicago. These were members of "Community Organization."

If we open these councils up to "citizens and community organizations," we are going to see some of these people demanding to be represented—and filing law suits when they are turned down.

On the other hand, I doubt that well-meaning untrained community organiza-

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tions and highly respected citizens can contribute any more to these councils than they could as nonprofessionals in a medical or legal meeting.

I just fail to see any reason to require this kind of participation, particularly when the bill, as amended, permits such participation.

Mr. Chairman, and my colleagues, I ask your support of the Keating amendment.

Miss HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentleman from New York.

Miss HOLTZMAN. Is it not true that community groups may demand of a Governor to be represented, whether or not there is a mandatory or a permissive provision in this legislation?

Mr. MILFORD. I am sorry; I did not quite understand the question.

Miss HOLTZMAN. Is it not true that whether or not we have a mandatory or permissive provision in this legislation, any community group or any community organization may demand of a Governor to be represented?

Mr. MILFORD. Yes, they may ask, but the Governor has the option here of selecting a representative, and he is in a much better position of deciding whether or not that individual can offer anything to LEAA.

Miss HOLTZMAN. Is it not true, though, that under the committee print the Governor would have the option of deciding who is to be representative under a mandatory provision?

Mr. MILFORD. Not in accordance with the way it is written. I think one would find the lawyers could have a field day the way that law is written.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Will the gentleman point to me precisely where the language says the Governor has to accept any organization that demands to be represented? Where does it say that?

Mr. MILFORD. It states that it requires the inclusion of "representatives of citizen and community organization." I would in turn ask the gentleman to show me where it does not say that he should appoint.

Mr. SEIBERLING. Where does it say that there should be any particular organization, or that anyone could demand. It merely says that there shall be some representatives of citizen, professional, and community organizations.

Mr. MILFORD. It does not state it under the wording of the law that we have stated, the word is ambiguous.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as a matter of history, when the amendments to LEAA were considered and adopted in 1970, I recall the other body wrote some language along this line requiring representation of citizen and other organizations on these planning agencies. As I recall, the Senate adopted that; the House had not; and it went into a conference committee. The conferees agreed then—and I think there was some wisdom in their decision—that to put this language into the

statute in a mandatory fashion simply would invite litigation. We do not want to invite litigation. We do not want to write provisions into the law that are going to make it more difficult to form these planning agencies. We are talking about State planning agencies. Admittedly, the Governor appoints them. But what does this language say? I think that there could be some quarrel as to what it says, because the bill says that the planning unit shall—

Be representative of the law enforcement and criminal justice agencies, units of general local governments, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizens, professional, and community organizations.

I submit that there are some judges who would read that and interpret it to mean that the planning agency shall also be representative of citizen and community organizations. And if a judge interpreted it that way, then he would listen to an argument made by some group that would come to court and say, "This planning agency is not representative because it does not include our particular organization."

I submit, Mr. Chairman, we would do well to leave this on a permissive basis rather than a mandatory basis. This matter comes before the Committee of the Whole House at this time because in the Committee on the Judiciary this permissive amendment—that is, the changing from "shall" to "may"—lost on a tie vote of 18 to 18.

And because it was a tie vote we felt it ought to be brought up here. It is important, and I say that by leaving it mandatory we will simply be inviting litigation and be tying up and making all of these planning agencies go repeatedly into court to justify their make-up.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, is it not true that if there is litigation, if a State planning agency is tied up because of this litigation, it would delay receipt of funds by the States and by local governments because LEAA is not authorized to make action grants unless there is on file an approved plan?

Mr. HUTCHINSON. Is the gentleman suggesting there might be some groups who might be desirous of that situation?

Mr. McCLORY. If there is litigation, if the State planning agency is not complete for one reason or another, there can be no valid plan and the State will be delayed in getting its funds from the LEAA.

Mr. HUTCHINSON. I agree with the gentleman.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I am astounded that the gentleman would advance arguments which any first-year law student would know are contrary to recognized legislative interpretation.

Let us just take a look at the language of this sentence. It says:

The State planning agency . . . shall . . . be representative of the law enforcement and

criminal justice agencies, units of general local government, and public agencies . . . and shall include representatives of citizen, professional, and community organizations.

Anybody looking at this sentence would say that when they have to use different language in these two sections, they must have intended a different meaning. The sentence says the State planning agency shall be representative of law enforcement agencies, which means it has got to be representative in the sense that it is a balanced organization. But it only says it shall include representatives of citizen organizations.

Obviously one can always sue under a statute, but can he win? Any judge is going to take a look at this and say there is nothing here that mandates that the Governor of the State shall have any particular cross section or balance of community organizations, but merely that he will have some people who represent them. That makes all the difference in the world.

Mr. McCLORY. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Is it not true the Judiciary Committee is made up of lawyers, experienced lawyers?

Mr. SEIBERLING. Most lawyers will argue either side of a case, depending on what their client's point of view is.

Mr. McCLORY. Is it not true we divided 18 to 18 on this issue? So it is not quite fair to denominate the Members who voted for this amendment as having something less than the intelligence of first-year law students.

Mr. SEIBERLING. When lawyers argue both sides of the issue, they are arguing to establish opposing points of view, but the gentlemen have been implying that a judge would read this language and come to a conclusion which, I submit, is an erroneous conclusion. If the Members were acting as judges and not as legislators, they could not come to the conclusion the gentlemen are trying to make.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, if 36 lawyers divided evenly on the issue, I do not think we can assume that some judge is going to be so clear minded on this issue as to see what the gentleman considers as obvious.

Mr. SEIBERLING. I think it obvious the lawyers on the Judiciary Committee were dividing in accordance with the legislative result they wanted to bring about rather than a judicial interpretation of the language.

Mr. McCLORY. I think the lawyers on the committee are sincere in their positions. In supporting the amendment I am thinking about the position of the Governors sitting in the State capitols in the 50 States and the authority they will have. I do not think we want to tie their hands by saying they must have representatives—and that term is used in the plural—of citizens, professional, and community organizations.

Mr. SEIBERLING. I do not doubt the sincerity of the concern which the gentleman has expressed, but I submit that

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under the bill's language, any judge worth his salt would throw the case out so fast it would make your head swim.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KEATING).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RODINO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 162, present 1, not voting 43, as follows:

[Roll No. 235]

AYES—227

Abdnor	Goldwater	Pritchard
Andrews, N.C.	Goodling	Quite
Andrews, N. Dak.	Green, Oreg.	Railsback
Archer	Gross	Randall
Arendts	Grover	Regula
Armstrong	Gubser	Rhodes
Bafalis	Gunter	Rinaldo
Baker	Guyer	Roberts
Beard	Haley	Robinson, Va.
Bell	Hammer- schmidt	Robison, N.Y.
Bevil	Hanrahan	Rogers
Bowen	Hansen, Idaho	Roncallo, N.Y.
Bray	Harsha	Rousselot
Breaux	Harvey	Runnels
Brinkley	Hastings	Ruth
Broomfield	Hebert	St Germaln
Brotzman	Heinz	Sandman
Brown, Mich.	Henderson	Sarasin
Brown, Ohio	Hillis	Satterfield
Broyhill, N.C.	Hinshaw	Saylor
Broyhill, Va.	Hogan	Scherle
Buchanan	Holt	Schneebell
Burgener	Horton	Sebelius
Burke, Fla.	Hosmer	Shipley
Burleson, Tex.	Huber	Shoup
Butler	Hudnut	Shrilver
Byron	Hunt	Shuster
Camp	Hutchinson	Siikes
Casey, Tex.	Ichord	Skubitz
Cederberg	Jarman	Smith, N.Y.
Chamberlain	Johnson, Colo.	Snyder
Chappell	Johnson, Pa.	Spence
Clancy	Jones, N.C.	Stanton,
Clark	Keating	J. William
Clausen, Don H.	Kemp	Steed
Clawson, Del	Ketchum	Steete
Cleveland	Kuykendall	Steelman
Cohen	Landrum	Steiger, Ariz.
Collier	Latta	Steiger, Wis.
Collins, Tex.	Lent	Stephens
Connable	Lott	Stubblefield
Conlan	Lujan	Sullivan
Cotter	McClory	Symms
Crane	McCollister	Talcott
Daniel, Dan	McDade	Taylor, Mo.
Daniel, Robert W., Jr.	McEwen	Taylor, N.C.
Davis, Ga.	McKinney	Teague, Calif.
Davis, Wis.	Madigan	Teague, Tex.
Delaney	Mahon	Thomson, Wis.
Dellenback	Mallary	Thome
Dennis	Maraziti	Tiernan
Derwinski	Martin, Nebr.	Towell, Nev.
Devine	Martin, N.C.	Treen
Dickinson	Mathis, Ga.	Vander Jagt
Dorn	Mayne	Veysey
Dowring	Mazzoli	Waggonner
Dulski	Michel	Walsh
Duncan	Milford	Wampler
du Pont	Miller	Ware
Erlenborn	Mitchell, N.Y.	White
Eshleman	Mizell	Whitelhurst
Findley	Montgomery	Whitten
Fish	Moorhead, Calif.	Widnall
Ford, Gerald R.	Myers	Williams
Forsythe	Nelsen	Winn
Fountain	Nichols	Wright
Frenzel	O'Brien	Wydler
Frey	Parris	Wylie
Froehlich	Passman	Wyman
Fulton	Pettis	Young, Alaska
Getty's	Peyser	Young, Fla.
Giaimo	Pickle	Young, Ill.
Gilman	Pike	Young, S.C.
Ginn	Powell, Ohio	Young, Tex.
	Freyer	Zion
	Price, Tex.	Zwach

NOES—162

NOMES 101		
Azburg	Gibbons	Natcher
Iddaboo	Gonzalez	Nedzi
Alexander	Grasso	Obey
inderson,	Gray	O'Hara
Calif.	Green, Pa.	Patman
Anderson, Ill.	Griffiths	Patten
Innunzio	Gude	Pepper
Ashley	Hamilton	Perkins
Aspin	Hanley	Podel
Barrett	Hanna	Price, Ill.
Bennett	Hansen, Wash.	Rangel
Berland	Harrington	Rees
Biaggi	Hays	Reid
Biestor	Hechler, W. Va.	Reuss
Bingham	Heckler, Mass.	Rodino
Boggs	Helstoski	Roe
Boland	Hicks	Roncallo, Wyc.
Bolling	Hollifield	Rooney, Pa.
Brademas	Holtzman	Rosenthal
Breckinridge	Howard	Rostenkowski
Brooks	Hungate	Roush
Brown, Calif.	Johnson, Calif.	Roy
Burke, Mass.	Jones, Ala.	Royal
Burlison, Mo.	Jones, Okla.	Sarbanes
Burton	Jones, Tenn.	Selberling
Carey, N.Y.	Jordan	Sisk
Carney, Ohio	Karth	Slack
Collins, Ill.	Kastenmeier	Smith, Iowa
Conte	Kazan	Staggers
Donyers	Kluczynski	Stanton,
Forman	Koch	James V.
Goughlin	Kyros	Stark
Cronin	Leggett	Stokes
Daniels,	Lehman	Stratton
Dominick V.	Long, La.	Stuckey
je la Garza	McCloskey	Studds
Dellums	McCormack	Symington
Denholm	McFall	Thornton
Dent	McKay	Udall
Diggs	McSpadden	Ulmian
Dingell	Macdonald	Vanik
Donohue	Madden	Vigorito
Drinan	Mann	Walde
Eckhardt	Matsunaga	Whalen
Edwards, Calif.	Meeds	Wilson,
Eilberg	Melcher	Charles H.,
Esch	Metcalfe	Calif.
Evans, Colo.	Mezvinsky	Wilson,
Evins, Tenn.	Minish	Charles, Tex.
Fascell	Mink	Wolf
Flood	Mitchell, Md.	Wyatt
Flowers	Moakley	Yates
Foley	Mollohan	Yatron
Ford,	Moorhead, Pa.	Young, Ga.
William D.	Morgan	Zablocki
Fraser	Murphy, Ill.	
Gaydos	Murphy, N.Y.	
PRESENT—1		
Poage		
NOT VOTING—43		
Adams	Fisher	O'Neill
Ashbrook	Flynt	Owens
Badillo	Frelinghuysen	Quillen
Blackburn	Hawkins	Barick
Battnik	King	Elegie
Brasco	Landgrebe	Rooney, N.Y.
Burke, Calif.	Litton	Ruppe
Carter	Long, Md.	Ryan
Chisholm	Mailliard	Schroeder
Clay	Mathias, Calif.	Thompson, N.J.
Cochran	Mills, Ark.	Van Deerlin
Culver	Minshall, Ohio	Wiggins
Danielson	Mosher	Wilson, Bob
Davis, S.C.	Moss	
Edwards, Ala.	Nix	

activities under the auspices of the Omnibus Crime Control and Safe Streets Act.

As we all know, the CIA is not authorized to engage in domestic law enforcement activities under the statute creating it—the National Security Act of 1947.

Nonetheless, the CIA has been training and working with local law enforcement agencies throughout the country—citing as its authority to do so section 508 of title I of the Omnibus Crime Control and Safe Streets Act which created LEAA. This provision is almost identical to section 508 of the bill we are considering today.

The domestic activity of the CIA, of which I learned only last week, was not brought to the attention of the Committee on the Judiciary during its deliberations on H.R. 8152. It is clear to me, however, that the House Judiciary Committee never contemplated that section 508 would permit the CIA to engage in such activities.

The activities of the Central Intelligence Agency under LEAA have been documented by the General Accounting Office, by letters from James R. Schlesinger, Jr., former Director of the CIA, and by other Members of this House. I should also point out that it was through the efforts of my distinguished colleague from New York (Mr. Koch) that the involvement of the CIA in these activities came to the attention of the House in the first place.

Under the color of the Safe Streets Act the CIA has given the following kind of aid to about a dozen city and county police agencies throughout the country: instruction in record handling, clandestine photography, surveillance of individuals, detection and identification of metal and explosive devices and analysis of foreign intelligence data. I might add it has carried out these activities without having been requested to do so by the Administrator of LEAA as section 508 of both the existing legislation and the bill we are considering today requires. In New York City alone 14 policemen were given briefings on the analysis and processing of foreign intelligence information.

or foreign intelligence information.

An even more troublesome problem is that although the CIA has been apparently restricting itself to training activities and technical assistance under title I of the 1968 act, the language of that statute as well as the provision before us is sweeping enough to authorize the CIA to use its own personnel in the actual performance of local law enforcement activities.

It is perfectly clear that whatever activities the CIA has performed or may perform in connection with local law enforcement efforts, such activities could more appropriately be carried out by other Federal agencies such as the FBI.

For this reason, the Justice Department has advised me that excluding the CIA from participation in local law enforcement activities would not jeopardize the functioning of local law enforcement agencies or the functioning of LEAA.

There is no need for the CIA involvement in local law enforcement activities and to permit such involvement

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creates dangers of enormous proportions to this country. Recent events, such as the burglary of the office of Daniel Ellsberg's psychiatrist, demonstrate that CIA involvement in domestic law enforcement activities can abridge constitutional rights and jeopardize the integrity of the CIA itself. In fact, it is significant that the CIA involvement in the Ellsberg matter came in the form of "technical assistance"—the same kind of assistance supposedly provided by the CIA to local law enforcement agencies.

My amendment would prevent such dangers from happening by limiting the activities of the CIA to areas of its legitimate concern and preventing it from diverting its resources and attention to local law enforcement.

I therefore respectfully urge the adoption of this amendment which is wholly in keeping with the spirit and purpose of the Omnibus Crime Control and Safe Streets Act, and prevents CIA involvement in local law enforcement.

Mr. RODINO. Mr. Chairman, will the gentlewoman yield?

Miss HOLTZMAN. I am happy to yield to the chairman, the distinguished gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I would like to state that the amendment offered by the gentlewoman from New York (Miss HOLTZMAN) is one that I think is in keeping with the true purpose of the act, and that it remedies a deficiency that has been overlooked. I certainly will accept the amendment offered by the gentlewoman from New York.

Miss HOLTZMAN. I thank the gentleman.

Mr. HUTCHINSON. Mr. Chairman, will the gentlewoman yield?

Miss HOLTZMAN. I will be happy to yield to the distinguished ranking minority member on the committee.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, certainly the CIA has no function in our domestic law enforcement. If the CIA has been engaging in such activities, citing any part of the LEAA law as their authority, that matter should be clarified. I can see absolutely no harm in the amendment offered by the gentlewoman from New York. I think that it clarifies the law. Therefore, Mr. Chairman, I would indicate my support for the amendment offered by the gentlewoman from New York (Miss HOLTZMAN).

Miss HOLTZMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Miss HOLTZMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLOWERS

Mr. FLOWERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLOWERS: On page 42, amend Section 518 by adding the following new subsection after line 22:

"(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the

availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program."

And on line 23 redesignate subsection (b) as subsection (c).

Mr. FLOWERS. Mr. Chairman, this is new language insofar as this bill is concerned. However, it is not new language insofar as the present Law Enforcement Assistance Administration law is concerned. It is a part of the current law. I would like to make that clear to my colleagues.

This is not new to the LEAA law. It is in the current law that was enacted by the Congress in 1968.

Now, how did we get into position we are in now, that this language is not a part of the committee bill?

First of all, it was left out of the administration bill which was sent up to us. It was left out partly, I think, because the administration bill was a special revenue-sharing bill. It did not contain the categorical and bloc grant approach that we have now in the current law and that we have in the committee bill that is before this Chamber.

Mr. Chairman, what the committee did with the administration bill primarily was to change this section by adding what had been proposed by various civil rights groups, sections (b)(1), (b)(2), and (b)(3) to the bill. They are found following the part that I propose to amend and I have no objection to these provisions. All testimony, and the consensus of the committee, tells us that this vastly strengthens the civil rights provisions of the LEAA law.

I say this, however, Mr. Chairman. I fear that if at the same time we are strengthening these civil rights provisions we take out this very clear prohibition on the Law Enforcement Assistance Administration, a prohibition which merely states that:

Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance. . . .

If on the one hand we vastly strengthen the civil rights provisions, but on the other hand we are taking out what is part of the current law, I say that there can be no other reception for this by the administration, or by any group of persons around the country, than that we intend to require quotas or percentage ratios, and we ought to condition grants upon the adoption of such a system by a prospective grantee.

I say, Mr. Chairman, by taking this out of the law—and all I propose to do is to keep what is in the current law—we would be opening the door to interference of all kinds—interference of the operation of the Law Enforcement Assistance Administration all the way down to the local police or local sheriff's de-

partment in every district around this Nation.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I do not know if my hearing is failing me. Did the gentleman say this amendment strengthens the civil rights provisions of LEAA?

Mr. FLOWERS. I did not say that.

Mr. CONYERS. I did not think the gentleman did.

Mr. FLOWERS. I said that the other amendments we have added to this section vastly strengthened the civil rights provisions, and I said I supported those amendments.

Mr. CONYERS. Then if it does not strengthen the civil rights provisions in LEAA, could I have the temerity to ask the gentleman, does it weaken the present provisions?

Mr. FLOWERS. I do not think it is incompatible with the strengthening provisions of the bill. I do not think it either weakens or strengthens. It merely states what it says it states insofar as the current law is concerned.

Mr. Chairman, I say that this is a very simple matter that ought to be included in these amendments and the further extension of this act, and I ask my colleagues in the House to support the amendment.

Miss JORDAN. Mr. Chairman, I rise in opposition to the amendment.

(Miss JORDAN asked and was given permission to revise and extend her remarks.)

Miss JORDAN. Mr. Chairman, the gentleman from Alabama is absolutely correct. His amendment neither strengthens nor weakens the civil rights enforcement provisions in this legislation. It does confuse the civil rights enforcement provisions in this legislation.

Let us understand that the antiqua provision is in current law, but removal of that provision from the law was recommended not by the NAACP, nor by the Urban League; not by any social critics, but by the administration headed by the President, Mr. Nixon.

I ask the Members is this present administration a proracial quota administration?

I would suggest that the fact the Nixon administration itself recommends that we take this quota provision out of the law is proof that we now have a provision in the bill which will strengthen civil rights enforcement, a provision in the bill which will not say we cut off the funds if they simply discriminate, but that this Law Enforcement Assistance Administration must adhere to the provisions of title 6 of the Civil Rights Act of 1964, that before any funds are denied any agency or entity in terms of the charge they have discriminated must be entitled to a hearing.

The Governor of the State is the first one who must make the effort to resolve any conflict which will exist. Negotiations, hearings, due process, all is provided for.

Because we have the provision in the

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bill which the administration sponsored, I would suggest to the Members that the provision which is offered as an amendment by the gentleman from Alabama is moot. If we were to approve that amendment it would be tantamount to the House of Representatives today adopting a rule that no rhinoceroses should be admitted to the floor of the House of Representatives when no rhinoceroses are trying to get in.

The Justice Department says the civil rights enforcement compliance rules contained in title 6 apply to LEAA. The courts have said we do not mandate quotas, and the administration has said we do not mandate quotas, and nobody is mandating quotas in this legislation. All we are providing here is the way to proceed in terms of complaints about discrimination, and these are the steps that must be taken to guarantee there is no discrimination either in the dispensation of the benefits or the hiring of personnel to function in this administration.

What we have said is that the Office of Civil Rights Compliance which is presently contained in LEAA—we do not have to establish that, that is already established—that Office of Civil Rights Compliance has the responsibility to see to it that the funds, these great, tremendous Federal resources are not dispensed in a manner that will discriminate against the populace on the basis of race, color, national origin, or sex. Therefore since we have taken care of that issue, why would we confuse the issue by saying nothing in this act is to be construed to mandate quotas? That is unnecessary language. The question is moot.

The Office of Civil Rights Compliance of LEAA takes care of it now. The Civil Rights Act of 1964 takes care of it now. There is no reason whatsoever why we need to adopt the amendment offered by the gentleman from Alabama, and I hope the Members will oppose it.

(Mr. RODINO asked and was given permission to revise and extend his remarks.)

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentleman from Texas has spoken eloquently and frankly. Anything I might say would be anticlimactic.

I do however want to point out that the repeal of this section, suggested by the administration, does not mandate in any way that there be any quotas to achieve racial balance.

Actually, what we have done is to eliminate confusion, and to affirmatively place the responsibility for any antidiscrimination proceedings in the new section that we have included.

Mr. Chairman, I would urge that the amendment be voted down.

Mr. FLOWERS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Chairman, I would ask the very able chairman if the section (2) (b) (2) we have included, which follows the amendment which I have offered

here, does not shift responsibility from the local level?

It says:

Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (b) (1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance.

In other words, the administration at the Washington level, I say to my friends in the House of Representatives, is where the determination is made about this.

We are either for a prohibition against writing quotas or percentage ratios, or we are against it. I say, if a Member is for it, then he should vote against my amendment. If a Member is against it, he should vote for the amendment.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, what the committee has done is a very proper thing, so far as it goes. That is to say, the committee has taken title 6 of the Civil Rights Act of 1964 and lifted it and transplanted it verbatim into the LEAA Act, and that is all right. As a matter of fact, LEAA has been governed by that provision of the law from the start.

This just makes it clear, no question about it, that title 6 of the Civil Rights Act of 1964 applied to LEAA just like it applies to any other agency of government. The present LEAA Act also specifically says that there cannot be quotas or anything having to do with racial balance.

For the life of me, I cannot see where those two provisions are at all conflicting with each other. They can stand together. In other words, I think we should leave the present language in the law and add to it title 6 provisions of the Civil Rights Act. They are not in conflict; they go arm in arm very well.

The reason I think we should leave the present language in the law, which is what the gentleman from Alabama (Mr. FLOWERS) proposes to do here, is that every time we make any change in statute law, somebody goes into a court and argues, quite persuasively and effectively sometimes, that the Congress intended to make some change.

Now, really we do not intend to make any change here at all. What we intend to do is simply to continue this aspect of the law as it has been these 5 years under LEAA. We do not intend to make any change, but if we strike out part of the language, somebody is going to argue that certainly Congress intended to do something because it struck out a part of that language.

I think a better policy would be to leave the present language in the law, and attach the civil rights language to it just, as I say, as has been the actual fact for these 5 years. Then, there will be no change in the law in that respect.

Therefore, I support the amendment of the gentleman from Alabama (Mr. FLOWERS).

Mr. SEIBERLING. Mr. Chairman, I rise in opposition to the amendment.

I respect the motivation of the gentleman from Alabama who offered the amendment and also of the ranking Republican member of the committee.

I really do not think the gentlemen mean to say that, if by chance the Congress decides not to adopt this amendment, that would mean that we are thereby saying that quotas are authorized by this statute.

I should like to ask the chairman if he does not agree as to the real tenor of what the Committee has done. We were concerned by the language as proposed in this amendment. If we left it in the statute we would have retained a narrow, negative approach toward the civil rights problem, and we were substituting a positive, comprehensive approach and therefore it was no longer appropriate to put in negative language.

It does not mean that by taking it out the Committee was trying to endorse quotas. They were merely emphasizing that this bill should promote civil rights rather than emphasize the negative side of the picture.

I wonder if the chairman would agree with me that that is really the tenor of our action?

Mr. RODINO. I agree with the gentleman.

There is no question in my mind that there is no intent to mandate a requirement that there be a quota system to achieve racial balance.

Mr. SEIBERLING. I thank the gentleman.

Mr. WAGGONNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I say to my colleagues in the House it is crystal clear that the language which has been removed from existing law by the committee bill positively wrote a prohibition against quotas into existing legislation. It is equally crystal clear that if we want to open the doors to question and make possible quotas—and when we make them possible they are going to come to be—then vote this amendment down. Please do not make that mistake. Do not give the courts the chance to say, as they will surely do, that Congress is no longer opposed to quotas.

But do the Members not ever learn anything? If you want to prevent quotas you should keep positive language in the legislation which makes quotas contrary to the law. If you want to prohibit quotas, you should vote for this amendment. If you do not, then you can come back and make apologies later for not having been able to see the handwriting on the wall. That of course will be too late.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. FLOWERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FLOWERS. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 161, not voting 41, as follows:

	[Roll No. 236]	AYES—231	Hanley	Metcalf	St Germain
Abdnor	Gettys	Pettis	Hanna	Mezvinsky	Sarbanes
Alexander	Gialmo	Peyser	Hansen, Wash.	Miller	Selberling
Andrews, N.C.	Gibbons	Poage	Harrington	Mink	Sisk
Andrews,	Gilmian	Powell, Ohio	Hechler, W. Va.	Mitchell, Md.	Smith, Iowa
N. Dak.	Ginn	Preyer	Heckler, Mass.	Moakley	Staggers
Archer	Goodling	Price, Tex.	Heinz	Moorehead, Pa.	Stanton,
Arends	Green, Oreg.	Quie	Hilstoski	Morgan	J. William
Armstrong	Griffiths	Randall	Hicks	Mosher	Stanton,
Bafalis	Gross	Regula	Hillis	Murphy, Ill.	James V.
Baker	Grover	Rhodes	Hollifield	Murphy, N.Y.	Stark
Beard	Gubser	Rinaldo	Holtzman	Natcher	Steele
Bennett	Gunter	Roberts	Howard	O'Brien	Steiger, Wis.
Bevill	Guyer	Robinson, Va.	Johnson, Calif.	O'Neill	Stokes
Biaggi	Haley	Roe	Jordan	Patten	Stratton
Bowen	Hammer-	Rogers	Karth	Pepper	Stuckey
Bray	schmidt	Roncallo, N.Y.	Kastenmeier	Perkins	Studds
Breaux	Hanrahan	Rose	Kazen	Pickle	Sullivan
Brinkley	Hansen, Idaho	Rousselot	Keating	Pike	Symington
Brooks	Harsha	Roy	Kluczynski	Podell	Tiernan
Broomfield	Harvey	Runnels	Koch	Price, Ill.	Udall
Brotzman	Hastings	Ruth	Leggett	Raliback	Vigorito
Brown, Mich.	Hays	Sandman	Lehman	Rangel	Waldie
Broyhill, N.C.	Hebert	Sarasin	Long, La.	Rees	Whalen
Broyhill, Va.	Henderson	Satterfield	McClory	Reid	Wilson,
Buchanan	Hinshaw	Saylor	McCloskey	Reuss	Charles H.,
Burgener	Hogan	Scherle	McCormack	Robison, N.Y.	Calif.
Burke, Fla.	Holt	Schneebeli	McDade	Rodino	Wolf
Burleson, Tex.	Hosmer	Sebelius	McFall	Roncallo, Wyo.	Yates
Burlison, Mo.	Huber	Shipley	Madden	Rooney, Pa.	Yatron
Butler	Hudnut	Shoup	Mallary	Rosenthal	Young, Ga.
Byron	Hungate	Shriver	Mann	Rostenkowski	Young, Ill.
Camp	Hunt	Shuster	Matsumaga	Roush	Zablocki
Carey, N.Y.	Hutchinson	Stikes	Meeds	Royal	
Casey, Tex.	Ichord	Skubitz	Melcher	Ryan	
Cederberg	Jarman	Slack			
Chamberlain	Johnson, Colo.	Smith, N.Y.			
Chappell	Johnson, Pa.	Snyder			
Clancy	Jones, Ala.	Spence			
Clark	Jones, N.C.	Steed			
Clausen,	Jones, Okla.	Steiger, Ariz.			
Don H.	Jones, Tenn.	Stephens			
Clawson, Del	Kemp	Stubblefield			
Cleveland	Ketchum	Symms			
Collier	Kuykendall	Talcott			
Collins, Tex.	Latta	Taylor, Mo.			
Conian	Lent	Taylor, N.C.			
Crane	Litton	Teague, Calif.			
Cronin	Lott	Teague, Tex.			
Daniel, Dan	Lujan	Thomson, Wis.			
Daniel, Robert	McCollister	Thome			
W., Jr.	McEwen	Thornton			
Daniels,	McKay	Towell, Nev.			
Dominick V.	McKinney	Treen			
Davis, Ga.	McSpadden	Ulman			
Davis, S.C.	Macdonald	Vander Jagt			
Davis, Wis.	Madigan	Vesey			
de la Garza	Mahon	Waggoner			
Delaney	Maraziti	Walsh			
Dennis	Martin, Nebr.	Wampler			
Derwinski	Martin, N.C.	Ware			
Devine	Mathis, Ga.	White			
Dickinson	Mayne	Whitehurst			
Dingell	Mazzoli	Whitten			
Dorn	Michel	Widnall			
Downing	Milford	Williams			
Dulski	Minish	Wilson,			
Duncan	Mitchell, N.Y.	Charles, Tex.			
Eriksen	Mizell	Winn			
Eshleman	Mollohan	Wright			
Evans, Colo.	Montgomery	Wyatt			
Flowers	Moorhead,	Wydler			
Ford, Gerald R.	Calif.	Wylie			
Ford,	Myers	Wyman			
William D.	Nedzi	Young, Alaska			
Forsythe	Nelsen	Young, Fla.			
Fountain	Nichols	Young, S.C.			
Frey	O'Hara	Young, Tex.			
Froehlich	Parris	Zion			
Fuqua	Passman	Zwach			
Gaydos	Patman				
	NOES—161				
Abzug	Brown, Calif.	Drinan			
Addabbo	Brown, Ohio	du Pont			
Anderson,	Burke, Mass.	Eckhardt			
Calif.	Burton	Edwards, Calif.			
Anderson, Ill.	Carney, Ohio	Elboerg			
Annunzio	Cohen	Fascell			
Ashley	Collins, Ill.	Findley			
Aspin	Conable	Fish			
Barrett	Conte	Flood			
Bell	Conyers	Foley			
Bergland	Corman	Fraser			
Biester	Cotter	Frenzel			
Bingham	Coughlin	Fulton			
Blatnik	Dellenback	Gonzalez			
Boggs	Dellums	Grasso			
Boland	Denholm	Gray			
Bolling	Dent	Green, Pa.			
Brademas	Diggs	Gude			
Breckinridge	Donohue	Hamilton			

NOT VOTING—41

Adams	Evens, Tenn.	Moss
Ashbrook	Fisher	Nix
Badillo	Flynt	Owens
Blackburn	Frelinghuysen	Quillen
Brasco	Goldwater	Rarick
Burke, Calif.	Hawkins	Riegle
Carter	King	Rooney, N.Y.
Chisholm	Landrebe	Ruppe
Clay	Landrum	Schroeder
Cochran	Long, Md.	Thompson, N.J.
Culver	Maillard	Van Deerlin
Danielson	Mathias, Calif.	Wiggins
Edwards, Ala.	Mills, Ark.	Wilson, Bob
Esch	Minshall, Ohio	

So the amendment was agreed to.
The result of the note was announced above recorded.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: After line 21, page 46 insert:

"(c) Provided, however, That no funds provided for by this act shall be used, directly, or indirectly, to defray the cost of travel by the Chief of Police of the District of Columbia, or any of his subalterns, outside the perimeters and limits of the District of Columbia."

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Chairman, this amendment is very simple but very necessary because of the current politicking nationwide on the part of the Chief of Police of the District of Columbia. Last week he was in my district, and he arrived with a great deal of pomp and ceremony, and stated that his main objective was to be there because he was making a tour of the Nation, thanks to the courtesy of President Nixon, in behalf of the specific programs that President Nixon was sponsoring in behalf of policemen and which the Congress was holding up, and that if the police throughout the Nation were not getting the moneys necessary for them to effectively combat crime, that it was the Congress' fault, and he was there for that purpose.

Earlier in the discussion I directed

questions to the distinguished gentleman of this committee. He could not assure me that moneys from these funds by virtue of the act we are discussing are not being used by the Chief of Police of the District of Columbia for this purpose. In fact, he said it was very possible that the LEAA program of Washington, D.C., could be providing the funds for this purpose.

This amendment simply says that shall not happen in the future; that no moneys derived by virtue of this program shall be utilized by the Chief of Police of the District of Columbia to travel outside of the limits and perimeters of the District of Columbia.

I think it is necessary, in light of this nationwide current campaigning that is costing obviously thousands of dollars. I doubt seriously that the Appropriations Subcommittee for the District of Columbia has authorized it in any direct way, and it is quite obvious that this spillover of funds is being used lavishly and, in my opinion, quite inappropriately because the chief is going around the Nation trying to tell the people what the duties of Congress are, how they should vote, how they should not vote, and I ask the Members' earnest consideration of this amendment.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Is the gentleman's amendment the epitome of that expression which he has expressed many times that he never gets mad; he just gets even?

Mr. GONZALEZ. No, sir; that is an old Irish saying from Boston. "Don't get mad; get even."

I am from San Antonio, Tex., and we have a different saying. In the West Side of San Antonio we say, "Shoot first and ask questions later."

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Is the gentleman satisfied that he is accurately quoting the chief of police from his district? Are the words that he placed into the RECORD the exact words that the chief of police used?

Mr. GONZALEZ. At a later time under the rule—I cannot do it now—in the full House I shall ask unanimous consent to place into the RECORD at this point extraneous matter giving the full newspaper accounts attributing the remarks to the chief by the local press in San Antonio.

So what I said is based strictly on the reports by the press, radio, and television.

WASHINGTON POLICE CHIEF VISITS S.A.

OFFICIALS

(By Stryker McGuire)

Law enforcement officials of the nation's cities would like to see greater financial assistance from the government but fewer federal guidelines, Washington, D.C., Police Chief Jerry V. Wilson said in San Antonio.

San Antonio Police Chief Emil Peters, who conferred Tuesday with Wilson, agreed revenue sharing is preferable to the restrictive experimental grants now allocated to municipal law enforcement agencies.

TALKS FOR NIXON

Wilson, a "personal representative" of President Nixon, said in a press conference at police headquarters the chances for direct grants-in-aid such as those included in Nixon's revenue sharing proposals were "slim." Congress rejected the proposals last week, Wilson pointed out.

Wilson has visited six cities recently trying, as he said Tuesday, "to air Nixon's views on crime prevention."

He said the President believes "law enforcement is essentially a local responsibility" which needs federal funding assistance.

Crime dropped nationally last year for the first time in 17 years said Wilson, whose trip around the country was described as a "fact-finding mission."

CRIME DECREASES

He said crime in the nation's capital decreased in 1972 thanks mainly to a beefed up police force of about 4,500.

Peters, whose force is about 25 per cent the size of Washington's, said San Antonio's crime rate is below that of Washington, the population of which roughly equals San Antonio.

Speaking of so-called "victimless crimes" such as prostitution and pornography, Peters and Wilson both said they would like to see jurisdiction in those areas transferred to agencies other than city police forces.

Both said prostitution and pornography are not really victimless crimes since they "degenerate" neighborhoods and "generate other crimes."

Wilson, saying a recent Gallup poll showed citizens felt crime to be the major urban problem, said Nixon recognizes "much more has to be done."

PROGRAM SHIFT

The Nixon administration advocates a "shifting from special granting programs into revenue sharing programs," according to Wilson.

NIXON CRIME-FIGHT ENVOY VISITS S.A. ON DATA MISSION

Appearing at the request of President Nixon, Washington, D.C., Police Chief Jerry V. Wilson met with San Antonio Police Chief E. E. Peters Tuesday along with the department's top brass in a fact-finding tour of major cities for various federal crime control problems.

Meeting later with reporters, Wilson explained that an opinion poll taken last year placed urban crime as the nation's number one problem.

He said he did not intend to compose a "shopping list" of requests from various police chiefs around the country, but rather was meeting with them in an effort to answer questions and take back ideas.

"I think President Nixon has established a top priority since he took office of reducing crime in the cities. Recent statistics show the first reductions in years in many areas and I think his efforts have cooled the temperament of America," Wilson stated.

He cited grants-in-aid for specific programs aimed at narcotics, traffic problems and increased manpower for departments across the country.

Wilson said in his own city the efforts have proved invaluable.

Asked if outright grants-in-aid would not be better than the present system of choosing various federal grants "from a Sears Rock-buck catalog," he said that Nixon preferred this idea but his efforts at change had failed in the Congress.

One point repeatedly touched upon in the press conference was how his city compared with San Antonio in police efforts against prostitution and, in the reporter's words, "victimless crime."

Wilson said there was no such thing as as

a victimless crime, since the law-abiding residents nearby suffer from declining neighborhoods and business districts fall in value when pornography or prostitution move in.

As expected, Wilson was asked about Watergate. He said he felt President Nixon had nothing to do with it.

Mr. HUTCHINSON. And the words that the gentleman has placed in the RECORD at this point are the words that the press quoted the chief of police as saying?

Mr. GONZALEZ. Oh, yes.

Mr. HUTCHINSON. The gentleman is quoting the exact words?

Mr. GONZALEZ. What I said, yes, exactly. What I am attributing and what I am repeating is exactly quoted. And I not only gleaned it from the local press and the printed word but also from the radio and I saw it on the television.

Mr. HUTCHINSON. Does the gentleman have any evidence, though, that any LEAA funds are being used to pay for that excursion?

Mr. GONZALEZ. The gentleman was present when I asked those questions of the chairman and I did not see him rise to confirm or not confirm.

Mr. HUTCHINSON. I am simply turning the question around.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. HUTCHINSON, and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 1 additional minute.)

Mr. HUTCHINSON. What I am asking the gentleman is if he has any evidence to support his contention? He asked previously the chairman, and the chairman said he did not have any evidence. I am asking the gentleman if he has any evidence to support his contention that LEAA funds are being used to finance that excursion.

Mr. GONZALEZ. I do not have any proof either that no LEAA funds went into the Gordon Liddy or Howard Hunt excursion or that they used LEAA equipment or did not use LEAA equipment. What I am simply saying is neither this gentleman nor any person in a responsible position can assure me that these funds have not been diverted for this purpose and my amendment would insure that they would not be used for that purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer amendments, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BIAGGI: Page 5, line 8, strike out "and".

Page 15, immediately after line 8, insert the following:

"(13) provide a system for the receipt, investigation, and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government and public agencies;

"(14) provide for the formulation of a 'law enforcement officers' bill of rights' which, if enacted into law, would provide statutory protection for the constitutional rights and privileges of all law enforcement officers of the State, units of general local government, and public agencies; and

Page 15, line 9, strike out "(13)" and insert in lieu thereof "(15)".

Page 52, line 10, strike out "surveillance)." and insert in lieu thereof the following: "surveillance).

"PART J—LAW ENFORCEMENT OFFICERS' GRIEVANCE SYSTEM AND BILL OF RIGHTS

SEC. 701. Beginning one year after the date of enactment of this section, no grant under part B or part C of this title shall be made to any State, unit of general local government or public agency unless such State, unit of general local government, or public agency has established and put into operation a system for the receipt, investigation, and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government, and public agencies operating within the State and has enacted into law a 'law enforcement officers' bill of rights' which includes in its coverage all law enforcement officers of the State, units of general local government and public agencies operating within the State.

"BILL OF RIGHTS

"The law enforcement officers' bill of rights shall provide law enforcement officers of such State, units of general local government, and public agencies statutory protection for certain rights enjoyed by other citizens. The bill of rights shall provide, but shall not be limited to, the following:

"(a) POLITICAL ACTIVITY BY LAW ENFORCEMENT OFFICERS.—Except when on duty or when acting in his official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in political activity.

"(b) RIGHTS OF LAW ENFORCEMENT OFFICERS WHILE UNDER INVESTIGATION.—Whenever a law enforcement officer is under investigation or subjected to interrogation by members of his or any other investigative agency, for any reason which could lead to disciplinary action, demotion, dismissal, or criminal charges, such investigation or interrogation shall be conducted under the following conditions:

"(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer is on duty, unless the seriousness of the investigation is of such a degree that an immediate interrogation is required.

"(2) The investigation shall take place either at the office of the command of the investigating officer or at the office of the local precinct or police unit in which the incident allegedly occurred, as designated by the investigating officer.

"(3) The law enforcement officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one interrogator.

"(4) The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation, and he shall be informed of the names of all complainants.

"(5) No complaint by a civilian against a police officer shall be entertained, nor any investigation of such complaint is held, unless the complainant be duly sworn to by the complainant before an official authorized to administer oaths.

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"(6) Interrogating session shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

"(7) The law enforcement officer under interrogation shall not be subjected to offensive language or threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answering any questions.

"(8) The complete interrogation of a law enforcement officer, including all recess periods, shall be recorded, and there shall be no unrecorded questions or statements.

"(9) If the law enforcement officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he shall be completely informed of all his rights prior to the commencement of the interrogation.

"(10) At the request of any law enforcement officer under interrogation, he shall have the right to be represented by counsel or any other representative of his choice who shall be present at all times during such interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement service.

"(c) REPRESENTATION ON COMPLAINT REVIEW BOARDS.—Whenever a police complaint review board is established which has or will have in its membership other than law enforcement officers, such board shall include in its membership a proportionate number of representatives of the law enforcement agency or agencies concerned.

"(d) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS.—Law enforcement officers shall have the right, and be given assistance when requested, to bring civil suit against any person, group or persons or any organization or corporation or the heads of such organizations or corporations, for damages suffered, either pecuniary or otherwise, or for abridgment of their civil rights arising out of the officer's performance of official duties.

"(e) DISCLOSURE OF FINANCES.—No law enforcement officer shall be required or requested, for purposes of assignment or other personnel action, to disclose any item of his property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of his family or household), unless such information is obtained under proper legal procedures or tends to indicate a conflict of interest with respect to the performance of his official duties. This paragraph shall not prevent inquiries made by authorized agents of a tax collecting agency in accordance with acceptable and legally established procedures.

"(f) NOTICE OF DISCIPLINARY ACTION.—No dismissal, demotion, transfer, reassignment, or other personnel action which might result in loss of pay or benefits or which might otherwise be considered a punitive measure shall be taken against a law enforcement officer of the State, unit of general local government or public agency unless such law enforcement officer is notified of the action and the reason or reasons therefor prior to the effective date of such action.

"(g) RETALIATION FOR EXERCISING RIGHTS.—No law enforcement officer shall be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise be discriminated against in regard to his employment, or be threatened with any such treatment, by reason of his exercise of the rights granted in the law enforcement officers' bill of rights.

"(h) LAW ENFORCEMENT OFFICERS' GRIEVANCE COMMISSION.—With respect to complaints and grievances on the part of the law enforcement officers,

"(1) There shall be established in each State and unit of general local government a commission composed of an equal number of representatives of government, law en-

forcement agencies, and the general public which shall have the authority and duty to receive, investigate, and determine complaints and grievances arising from claimed infringements of rights submitted to it in writing by, or on behalf of, any law enforcement officer of the State, unit of general local government or public agency operating within the State.

"(2) Any certified or recognized employee organization representing law enforcement officers of a State, unit of general local government or public agency, when requested in writing by a law enforcement officer, may act on behalf of such officer regarding the filing and processing of complaints submitted to such commission. Certified or recognized employee organizations may also initiate actions with such commission on its own initiative if the complaint or matter in question involves one or more law enforcement officers in its organization.

"(3) Complaints and grievances may be against any person or group of persons or any organization or corporation or the heads of such organizations or corporations; officials or employees of the department or agency of the law enforcement officer making the complaint, or of any other local, State or Federal department or investigating commission or other law enforcement agency operating in the State.

"(4) The commission shall be empowered to hold hearings, testimony under oath, issue subpoenas, issue cease and desist orders, and institute actions in appropriate State court in cases of noncompliance.

"(1) In addition to any procedures available to law enforcement officers regarding the filing of complaints and grievances as established in this section, any law enforcement officer may institute an action in a civil court to obtain redress of such grievances."

Mr. BIAGGI (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. McCLORY. Mr. Chairman, reserving the right to object, are these amendments which the gentleman is offering also in the form of a separate bill, H.R. 4600, the so-called policemen's bill of rights legislation?

Mr. BIAGGI. That is correct. I have introduced that bill on several occasions, yes.

Mr. McCLORY. And it has been before another subcommittee of the House Judiciary Committee?

Mr. BIAGGI. It has been pending there for some time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. JOHNSON of Colorado. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk proceeded to read the amendments.

Mr. MATSUNAGA (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

POINT OF ORDER

Mr. FLOWERS. Mr. Chairman, I make a point of order against the amendment

on the ground that it is not germane to the bill before the committee.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. FLOWERS. Mr. Chairman, my point of order is based on the nongermaneness of the amendment offered by the gentleman from New York. I applaud the merit of the proposal, on its merit. I support the thrust of the bill which the gentleman is offering as an amendment here. It is pending before one of the subcommittees of the Committee on the Judiciary on which I serve. I know as a matter of fact from the chairman of that subcommittee, the gentleman from Pennsylvania (Mr. EILBERG) that we will very early begin hearings on the substantive merit of the bill.

On the point of order, Mr. Chairman, on germaneness, this embarks on an entirely new direction. It establishes rights and duties for law enforcement officers and personnel which are not a part of the thrust of the LEAA law.

I insist on my point of order.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. BIAGGI. Yes, I do, Mr. Chairman.

With all due respect to my colleague from Alabama, I cannot understand the observation he makes that this is not germane. No proposition could be more germane.

The fact of the matter is that this is consistent with the proposal being made today, as to establishing guidelines. Guidelines have been established in the past.

We talk in terms of civil rights, and have lauded what has occurred in this bill, providing more civil rights for the people of our Nation.

This is just an extension. What we are trying to do is to include among all of the people of our country a particular segment that has been eliminated or disregarded.

This is a question of civil rights as much as any other question is, as it relates to anybody else.

So far as germaneness is concerned, I obviously have to disagree with the gentleman. We have many guidelines already established. This will establish another guideline. There is no imposition here on any State or political subdivision. It is a prerogative they can exercise.

If they seek Federal funds they must comply. Right now the same obligation is imposed upon them. If they seek Federal funds they must comply with the civil rights law and all the prohibitions we have imposed upon them. All we are doing is including the law-enforcement officers.

To me it is very incongruous, when we realize the very people we are trying to help by the thrust of the bill are those who have been neglected.

I am sure the gentleman does not disagree with the content. I know my colleague from Alabama agrees with the content.

I have introduced this bill year after year, and it has produced favorable comment and no action. It is here on the floor, in a most appropriate forum. It has been disseminated. People have re-

sponded. I have spoken with the parliamentarian. I suggest we leave the question of germaneness to the parliamentarian.

Mr. FLOWERS. That is who will make the decision.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule on the point of order raised by the gentleman from Alabama.

As indicated on page 4 of the committee report, a fundamental purpose of H.R. 8152 is to authorize Federal funding of approved State plans for law enforcement and criminal justice improvement programs. The bill attempts to address "all aspects of the criminal justice and law enforcement system—not merely police, and not merely the purchase of police hardware" and requires State plans to develop "a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State."

The amendment offered by the gentleman from New York would require that State plans submitted for LEAA approval contain, in addition to the 13 requirements spelled out in the committee bill as amended, provisions for a system of receipt, investigation, and determination of grievances submitted by State and local law enforcement officers. The second amendment would insert on page 52 a provision spelling out a "law enforcement officers' bill of rights" which must be enacted into law by any State seeking LEAA grants under that act in order to be eligible for such grants.

The committee bill seeks to establish a comprehensive approach to the financing of programs aimed at improving State and local law enforcement systems. Included in this comprehensive approach is the subject of the welfare of law enforcement officers as it relates to their official duties, including their salaries, equipment, et cetera. The issue of a grievance system for law enforcement officers is within the general subject of the improvement of State and local law enforcement systems, and the amendments are, therefore, germane to the pending bill.

The Chair overrules the point of order.

Mr. BIAGGI addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

(Mr. DENNIS asked and was given permission to revise and extend his remarks.)

Mr. DENNIS. Mr. Chairman, I know that it is late in the evening and that the Members would like to go home, but I believe we ought to stop and consider a minute the fact that we are about to pass on a rather important piece of legislation here; one which involves a lot of money, and which is a very fundamental thing.

We should act as if we were a deliberative body, which I understand we are supposed to be.

Mr. Chairman, I respect very highly the gentleman from New York (Mr. BIAGGI). I know the sincere interest of the gentleman in this subject, and I know the gentleman's record as a gallant police officer, but nevertheless I think

we ought to consider what we are doing here in this amendment. This is one of the major pieces of legislation before the Congress. It deals with the matter of law enforcement assistance. The gentleman from New York comes in here—and the gentleman has a bill pending before the committee, and I will not try to pass on the merits of the bill which is before another subcommittee of the Committee on the Judiciary—but it is a long and complicated piece of legislation, and one which deserves hearings and consideration. It comes in here when hearings have not been held on it. I do not believe we should try to write an amendment in this bill which says that nobody can draw their law enforcement assistance money unless they enact the gentleman's legislation.

It is not only that the States shall enact a bill of rights for their police, but the gentleman tells the States what kind of statute they have to draw up. The gentleman spells it all out, what it is to say, where a police hearing is to be held, how long it is to be, what the grievance procedure shall consist of, he directs everything that the States can put in their law.

The gentleman would use it as a club here, and say that they would not receive any LEAA money unless they enact the legislation, call their legislature together and pass that kind of a law.

I understand it is germane, because of the way it is drawn, but logically you could just as well say to the States that the States cannot be eligible for welfare funds or that they cannot establish abortion laws, and all sorts of things such as that, unless they adopt such a bill as we might direct, spelling out the details on all of those subjects.

With all due regard to the gentleman from New York, and without taking any position against his bill, which I am willing to consider on its merits when the time comes, I just suggest to my colleagues in the House on both sides of the aisle that this is an extraordinary and irresponsible way to legislate. If we do it we are going to mess up this major piece of legislation so that it is not recognizable.

This is not a responsible vehicle for handling legislation of this and the House should not do it.

Mr. EILBERG. Mr. Chairman, I move to strike the requisite number of words.

(Mr. EILBERG asked and was given permission to revise and extend his remarks.)

Mr. EILBERG. Mr. Chairman, very briefly, the legislation which the gentleman from New York (Mr. BIAGGI) has offered is pending before Subcommittee No. 1 of the House Committee on the Judiciary. As a matter of fact, we have informed the gentleman from New York (Mr. BIAGGI) that this measure is scheduled for hearing immediately following the consideration of the legislation which the subcommittee is presently considering.

I think, Mr. Chairman, that on a matter of this importance, we should hold thorough hearings, and we should hear every viewpoint.

I give as one example of such a viewpoint, a letter that we have received from

the police commissioner of the city of Philadelphia, who reports to us that political activity is barred to policemen through the city charter of the city of Philadelphia. I dare say that there are restrictions of this kind that appear in charters of other municipalities throughout the country.

It is entirely likely that the amendment offered in its present form is in violation, or in conflict, with local regulations and local ordinances throughout the country. We must not be rushed into acting upon a measure which raises these problems, even though its thrust is worthwhile.

It seems to me, Mr. Chairman, that we are rushing much too hastily into this, in sympathy with a sponsor who is very much admired in the House. I beg the Members of the House to be reasonable and considerate, and I assure them that this matter will be given thorough treatment by Subcommittee No. 1 of the Committee on the Judiciary under the leadership of our chairman.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I think the chairman of the full committee where this legislation will repose for hearings ought to be given the benefit of the doubt. He has assumed that chairmanship only since January of this year, and so I do point out to my friend, the gentleman from New York—because I join those who do not want to try to resolve the merits of this legislation here on the floor merely by the reading of it—that the chairman of the full committee has assumed his responsibilities only since January of this year. Thus the promises the gentleman may have received down through the years are not relevant under these circumstances.

Why do we not remove this amendment from consideration today, and consider it appropriately, as the gentleman from Indiana has suggested?

Mr. EILBERG. Mr. Chairman, may I conclude my remarks by saying that we will have this matter scheduled along with legislation which will provide benefits for the next-of-kin of law-enforcement officers killed in the line of duty. I discussed this matter with the gentleman from New York. I will assure him personally there is no connivance here. We have no intention of treating this matter other than very seriously. This simply is not the proper place to consider this particular amendment.

Mr. RAILSBACK. Mr. Chairman, I rise in opposition to the amendment.

(Mr. RAILSBACK asked and was given permission to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I am not a member of this committee. I have listened with interest to the debate. I think there is great sympathy for the amendment of the gentleman from New York. However, it just seems to me that in this kind of a situation, inasmuch as

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we have an agreement by the Committee on the Judiciary that hearings will be held on this very important subject, although our sympathies may be with the gentleman from New York and the sense of the amendment, it would be an unwise thing at this time to write this amendment into this legislation.

Mr. RAILSBACK. I want to say to the Members of the House that I think in reading this proposed bill of rights, this is something that I could support. I have some questions about a couple of the sections that have to do with providing legal assistance to police officers. But the thing that concerns me most of all is that provision which would say that beginning 1 year after the date of enactment of this section, no grant under part C shall be made to any State, unit of general local government, or public agency, unless such State or unit of general local government or public agency has established and put into operation a number of requirements and—please note this—

has enacted into law a law-enforcement officers' bill of rights which includes in its coverage all law-enforcement officers of the State units of general local government or public agencies operating within the State.

Here is what we are doing: We are mandating the State legislatures to enact a law within 1 year after enactment of this particular bill. One problem is that there are some State legislatures that meet every other year. The amendment might just require some of them to call a special session. I doubt very much if this particular item frankly would provoke a Governor in some cases or possibly a State legislature to do that. We would be, in effect, holding a gun to their heads and forcing them to do this within 1 year or they would be in jeopardy of losing all of their LEAA funds.

I am in sympathy with protecting the rights of policemen. I do not understand why there has not been at least a hearing. There should be.

However, there are some controversial sections.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from New Jersey.

Mr. RODINO. I am going to ask for permission to include in the RECORD following this debate a letter from the Department of Justice opposing the bill offered by the gentleman, in which the former Attorney General does nonetheless express sympathy with the thrust of the amendment. But as the letter indicates, the very proposal that the gentleman is suggesting, this bill of rights, is a subject that will be addressed by the forthcoming report of the National Advisory Commission on Criminal Justice Standards and Goals established by the Law Enforcement Assistance Administration. Extensive research is being conducted by the staff of the Commission's police task force which is examining all of this, and this research is for the purpose of bringing necessary informa-

tion before the Congress so we can act more intelligently.

Mr. Chairman, the letter from the Attorney General to which I referred, follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 12, 1973.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington,
D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 7332, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several states.

The bill would make planning and action grants by the Law Enforcement Assistance Administration contingent upon the establishment of formalized procedures for the redress of grievances of law enforcement officers and the adoption of a law enforcement officers' bill of rights in each state and local unit of government receiving LEAA assistance. Although the Department of Justice believes that state and local law enforcement officers should be afforded many of the rights contemplated by H.R. 7332, we believe that this bill would be an undesirable intrusion into the activities of states and local units of government, which should be responsible for assuring the rights of their law enforcement officers.

The thrust of the Omnibus Crime Control and Safe Streets Act is federal assistance for the improvement of state and local law enforcement; the Act does not authorize Federal supervision of state and local law enforcement. In fact, section 518 of the Act states that, "Nothing contained in this chapter or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof." The bill would appear to be contrary to this section.

Also section 351(A) of the bill would seem to be in direct conflict with the Hatch Act, 5 U.S.C. § 1502, and the relevant case law in situations where law enforcement officers salaries are paid in part by LEAA funds. Since the employment of some state and local law enforcement employees is made possible, in part, by the LEAA grant they participate in, these employees are prohibited by the Hatch Act from engaging in political activity.

In view of the above-mentioned reservations concerning H.R. 7332, we are unable to support the bill in its present form.

It should be noted, however, that the Department of Justice is not unmindful of this important area of law enforcement. We believe that there is a need for minimum standards with respect to police grievances and the investigation of police conduct. In fact, the specific subject of rights of police officers will be addressed in the forthcoming report of the National Advisory Commission on Criminal Justice Standards and Goals established in the Law Enforcement Assistance Administration. Presently, extensive research is being dedicated to this subject by the staff of the Commission's Police Task Force, which includes police officers. The findings and recommendations of the Police Task Force will be submitted to the Commission for its consideration.

For the reasons stated above, the Depart-

ment of Justice recommends against enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Acting Attorney General.

Mr. RAILSBACK. I have no doubt if we start legislating in this way by telling the State legislatures that they must either pass this kind of law or suffer a cutoff of their funds, if we set a precedent like that, particularly when some of them do not meet every year, we will be making a very bad mistake and setting a bad precedent.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, the point the gentleman is making touches my sentiment. The Legislature of the State of Texas does not meet until 1975.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. ECKHARDT, and by unanimous consent, Mr. RAILSBACK was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, if this provision is passed I would understand that the Texas Legislature would first have to enact a statute of this type before the State of Texas would be entitled to any aid under this bill. Am I correct?

Mr. RAILSBACK. That is my understanding. The amendment would not merely require the States to include this in their comprehensive plans. Rather, we are actually mandating the State legislatures to enact, and the Governors to sign, a specified law within 1 year or funds under part B and part C—the heart of the act—will be cut off.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I commend the gentleman for his statement in opposition to the amendment and I join him therein.

It seems to me this is an amendment which would in effect place the various States in veritable straitjackets. It goes into detail as to political activity by law officers and complaint review boards and grievance commissions and other items on which there could be very great controversy. It seems to me before we would subject the various States to this kind of arbitrary mandate, we should at least have the benefit of the thinking of our own subcommittee. There may be some points which they will feel are questionable. The House should have time to work its will with fuller deliberation. So I think this is not the proper time to try to adopt these measures although some of them, in their own right, are admittedly very beneficial.

Mr. FLOWERS. I would associate myself with what the gentleman from Illinois, the gentleman from Indiana, and

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the gentleman from Iowa have said. The responsible thing to do here is to defeat this amendment. Let us proceed in an orderly manner to have hearings on this measure on its merits, and then come to the floor of the House with a bill of rights for policemen upon which we can vote.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, I associate myself with the remarks of the distinguished gentleman from Alabama.

I share the concern of my colleague from New York (Mr. BIAGGI) for insuring fairness in administrative proceedings for policemen. However, there are provisions in this bill which I do not think any Member has had a chance to study sufficiently, such as the provision concerning disclosure of finances, which are extremely troublesome.

As I perused it in the small amount of time I have had, I noticed, for example, provisions restricting the investigation of graft and corruption of police officers.

I do not think we should be legislating on that sort of thing without due consideration. I think it is crucial to hold hearings on this bill and straighten out some of the language of these provisions.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Chairman, I rise to enthusiastically support the gentleman from New York (Mr. BIAGGI's) amendment. One of the proudest periods of my life was the time that I spent as a police officer in Irving, Tex. In addition to active police officer service, I spent a number of years as an active police reserve officer.

During these tenures, I became intimately familiar with the problems of the police officer. He is daily called upon to perform flawlessly as an attorney, physician, psychologist, jurist, social worker, and occasionally as a prize fighter. The public will allow him to make no error.

In recent years we have enacted many Federal and State laws designed to protect the rights of citizens. From the moment of arrest he is informed of his rights. He can have an attorney—free—if he has no money. That attorney is by his side even during preliminary police investigations. He has a right to remain silent—and require the State to prove him guilty. He has a right to trial by jury and can take recourse on the State if these rights are violated.

Those, my colleagues, are just a few of the rights that we accord the criminal. Furthermore, we bend over backward to see that the criminal's rights are protected.

Unfortunately, indeed tragically, we do not extend these same rights to our police officers. They live in another world. A world with a floor covered with eggs upon which they must walk knowing that anytime one of the eggs breaks, their career will be ruined.

The police officer's court is a thing called "administrative review" or "administrative investigation." Losing his

case in that court means his career is ruined. It is a very special court in which he is denied basic right that is given to the criminal he has arrested.

In this court the officer is not allowed to face his accuser. In fact he may never know who the accuser is.

A criminal may not be questioned without an attorney. In this administrative court, the policeman is not allowed to have one.

We cannot require a criminal to take a lie detector test, but we can make the police officer take one.

We cannot grill a criminal for hours on end at any time of the day or night, but administrators can give the third degree to police officers.

A criminal is entitled to privacy, protected from the press, except through formal court hearings. The police officer has no such protection.

The police officer's grand jury is the administrative review—his trial takes place in the newspapers and on TV whether innocent or guilty, his career can be ruined.

Mr. Chairman, I plead with you to read this amendment that encompasses the police officers bill of rights. Surely you will be compelled to support the amendment.

In the name of justice, surely we should give the police officers of this Nation the same rights that we give to the criminals.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I want to say that while I take no position upon the merits of the amendment, I think that we should, all of us, realize that the amendment itself is another major program. While it is drafted so that it is technically germane to the bill before us, it is nonetheless extraneous. It is an altogether different subject matter.

It merits hearing, it merits our consideration, but certainly not incorporation into the LEAA bill.

In closing, I would simply like to remind the House that the present authorizing legislation for LEAA will expire as of June 30. We, of course, had been hopeful that we would be able to draft an LEAA bill which the Senate might be persuaded to accept without a conference.

I do not believe that if we adopted the Biaggi amendment, we would avoid a conference with the Senate. While I do not oppose the Biaggi amendment on its merits, I do so for the sake of this bill.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. BIAGGI).

The amendments were rejected.

AMENDMENTS OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer technical amendments.

The Clerk read as follows:

Amendments Offered by Ms. HOLTZMAN:
Page 36, line 5, insert a comma immediately after "equipment".

Page 18, line 18, immediately after "law enforcement" insert "and criminal justice".

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Ms. HOLTZMAN).

The amendments were agreed to.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when we go into the House, I am going to ask for a separate vote on the so-called Gonzalez amendment. This amendment, offered just a few moments ago, would prevent the Chief of Police of the District of Columbia or any of his subalterns to travel outside the limits of the District of Columbia on LEAA business.

We heard some remarks of the gentleman from Texas about an appearance that was made down in his district, and he quoted from some newspaper reports. But I do not think that this amendment is legislation which we should have in the LEAA bill, anymore—not even as much as—the last amendment which was just defeated.

I know the Chief of Police has been Chief of the District of Columbia for a long time. It may be that he would be invited to other sections of the country where he could provide useful information with regard to training and other experiences he has had here. As far as I know, he has a good record of law enforcement in the District of Columbia, and his advice and information should be valuable throughout the country.

To put this kind of provision in the bill, to preclude him and other officers of the District of Columbia Police Department from LEAA travel would be a disservice to him, to this Congress and to this legislation.

I therefore hope that on a separate vote, which we will have in the House, we will defeat the amendment.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I am happy to yield to the gentleman from Maryland.

(Mr. HOGAN asked and was given permission to revise and extend his remarks.)

[Mr. HOGAN addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. COLLIER. I agree with my colleague from Illinois. Had he not indicated he was going to ask for a separate vote, I would do so. I believe this kind of an amendment, which is so far-reaching and which could actually be imposed not only upon the present chief of police, as written, but also upon future chiefs of police, is certainly not the way to solve whatever problem our colleague may have.

I hope in the House on the separate vote the amendment will be defeated.

Mr. FLOWERS. Mr. Chairman, in order to conform the bill technically to the amendment I sponsored, it is necessary to change a cross reference on page 43.

Mr. Chairman, I ask unanimous consent that on page 43, line 5, that we strike out "(b)" and insert in lieu thereof "(c)".

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The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike the last word.

(Mr. MANN asked and was given permission to revise and extend his remarks.)

Mr. MANN. Mr. Chairman, I believe that H.R. 8152 should be quickly and overwhelmingly approved by this House.

I believe that the operation of the Law Enforcement Assistance Administration program at the State and local level justifies such support. For that is where the Congress said the action should be—the level on which the decisions are made and the level which has the basic responsibility for law enforcement and criminal justice.

I would just like to tell you what the Law Enforcement Assistance Administration has meant for one State—South Carolina.

Before the Congress wrote the Safe Streets Act, the situation in South Carolina was typical of that in many other States. We knew in a general way that the State and local police courts, and corrections agencies needed help, but not precisely how much or what kind.

Now we do. The Safe Streets Act's message prompted the State to establish the South Carolina Law Enforcement Assistance Program—LEAP. The first thing our State planning agency did was to gather information about the needs and problems of State and local criminal justice agencies. It then developed programs to meet those needs.

Mr. Chairman, this was a unique step. Whereas there had been only perfunctory statewide criminal justice planning in South Carolina before, we now have a permanent organization for both anti-crime planning and anticrime action.

The benefits that the resulting coordination and cooperation have brought South Carolina simply cannot be overstated.

The LEAP survey of South Carolina's criminal justice system needs—the first ever conducted—made it possible to analyze in a systematic fashion arrests, adjudication, incarceration, probation, parole, and community-based offender rehabilitation.

The LEAP study showed that there had been breakdowns in intragency communication and with the public.

It revealed overlapping jurisdictions, manpower duplication, fund waste, training deficiencies, hiring standard variances, research deficiencies, inadequate data collection, insufficient records keeping, and many other problems throughout the system.

Court dockets were overcrowded; sentencing procedures varied, police and sheriff's departments had insufficient or outmoded equipment, and State corrections officers lacked adequate training.

I am convinced that this situation prevailed throughout most of the country.

The study also found that juvenile rehabilitation facilities were inadequate.

There were no juvenile incarceration alternatives, such as half-way houses.

There were only 19 family courts,

which were inadequate to handle the caseload.

Juvenile probation and parole agencies were understaffed, underfunded, and undertrained.

The State's criminal laws were not codified, and they were not up to date.

Criminal offense recordkeeping was fragmentary.

Naturally, these problems and deficiencies could not all be corrected at once. Priorities had to be established, and then a start made on the most urgent projects.

It was agreed that the first priorities should be personnel training and juvenile facilities.

Then the whole State went to work—with LEAA's vital assistance.

Many, many important projects were launched in every section of South Carolina. I could not possibly list them all at this time, and a mere list would not adequately reflect their benefits.

I assure you, however, that they are exceedingly important to the countless South Carolina communities being helped.

But I would like to mention just a few. For example, LEAA money and encouragement resulted in the founding of the South Carolina Criminal Justice Academy. I would be hard-pressed to name something more significant than topflight professional training for law enforcement personnel. You can imagine the improvements such a facility brings.

In my own community some \$80,000 in LEAA funds supports police educational advancement at the Spartanburg Junior College, the Greenville Technical Education Center, and at Wofford College.

At first glance, this might not sound crucial in the larger scheme of things, but it is exceedingly important to the people of South Carolina's Fourth Congressional District. They are going to have improved criminal justice as a result.

That, Mr. Chairman, is the significance of what LEAA has done. It is not a series of grandiose programs that cover a lot of territory but do not accomplish much. Instead, LEAA is doing the nuts-and-bolts work of meeting local needs.

Allow me to cite just a few more examples. LEAA funds from the South Carolina bloc grant are financing a \$12,000 Greenville County Family Court program, a \$10,000 Laurens County Family Court program, and a \$60,000 Spartanburg Family Court program that includes special aid for the Spartanburg County Boys Home.

In addition, a \$900,000 LEAA discretionary grant is helping to finance the detention-corrections section of the new Greenville City/County Law Enforcement Center, which is also receiving some \$500,000 from the State bloc grant for the remainder of the center project. The new center facilities will replace the obsolete Greenville County Jail as well as two outmoded city lockups.

I would also like to mention the \$86,000 in LEAA support for four separate police community relations units at Spartanburg. They have been successful in improving understanding between city

residents and their law enforcement officers. And they also have had a direct effect on local crime reduction, according to police spokesmen there.

Mr. Chairman, I mention these things not because they are LEAA's most significant accomplishments. I mention them because they are typical accomplishments. These projects have not affected the crime rate here in Washington or New York or Los Angeles. But they have helped control crime in the Fourth Congressional District of South Carolina. That is important to us. It is important to the citizens of those areas and of our State. And I believe they are of national significance, in a sense, for national crime rates will fall when every town and county reduces its own crime rates.

Mr. Chairman, I urge that we hasten that process by extending the LEAA program and continuing the vital crime control assistance it provides.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. O'NEILL) having assumed the chair, Mr. ROSTEN-KOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice and for other purposes, pursuant to House Resolution 436, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. McCLORY. Mr. Speaker, I demand a separate vote on the so-called Gonzalez amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: After line 21, page 46 insert: "(c) Provided, however, That no funds provided for by this act shall be used, directly, or indirectly, to defray the cost of travel by the Chief of Police of the District of Columbia, or any of his subalterns, outside the perimeters and limits of the District of Columbia".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GONZALEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the

The question is on the passage of the bill.

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Mr. RODINO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 237]

YEAS—391

Abdnor	Dellums	Hutchinson
Abzug	Denholm	Iehord
Addabbo	Dennis	Jarmar
Alexander	Dent	Johnson, Calif.
Anderson,	Derwinski	Johnson, Colo.
Calif.	Devine	Johnson, Pa.
Anderson, Ill.	Dickinson	Jones, Ala.
Andrews, N.C.	Diggs	Jones, N.C.
Andrews,	Dingell	Jones, Okla.
N. Dak.	Donohue	Jones, Tenn.
Annumzio	Dorn	Jordan
Archer	Downing	Karth
Arends	Drinan	Kastenmeier
Armstrong	Dulski	Kazen
Ashley	Duncan	Keating
Aspin	du Pont	Kemp
Batafai	Eckhardt	Ketchum
Baker	Edwards, Calif.	Kluczynski
Barrett	Elberg	Koch
Beard	Erlenborn	Kuykendall
Bell	Eshleman	Kyros
Bennett	Evans, Colo.	Landrum
Bertrand	Fascell	Latta
Revill	Findley	Leggett
Biagi	Fish	Lehman
Blester	Flood	Lent
Bingham	Flowers	Litton
Batinik	Foley	Long, La.
Hogg	Ford, Gerald R.	Lott
Poland	Ford,	Lujan
Bolling	William D.	McClory
Bowen	Forsythe	McCloskey
Brademas	Fountain	McCollister
Bray	Fraser	McCormack
Breaux	Frenzel	McDade
Breckinridge	Frey	McEwen
Brinkley	Froehlich	McFall
Brooks	Fulton	McKay
Broomfield	Fuqua	McKinney
Brotzman	Gaydos	McSpadden
Brown, Calif.	Gettys	Macdonald
Brown, Mich.	Giamo	Madden
Brown, Ohio	Gibbons	Madigan
Broihill, N.C.	Gilman	Mahon
Broihill, Va.	Ginn	Mallary
Buchanan	Gonzalez	Mann
Burgener	Goodling	Maraziti
Burke, Fla.	Grasso	Martin, Nebr.
Burke, Mass.	Gray	Martin, N.C.
Burleson, Tex.	Green, Oreg.	Mathis, Ga.
Burlison, Mo.	Green, Pa.	Matsuaga
Burton	Griffiths	Mayne
Butler	Gross	Mazzoli
Byron	Grover	Meeds
Camp	Gubser	Melcher
Carey, N.Y.	Gude	Metcalfe
Carney, Ohio	Gunter	Mezvinsky
Casey, Tex.	Guyer	Michel
Cederberg	Haley	Milford
Chamberlain	Hamilton	Miller
Chappell	Hammer-	Minish
Clancy	schmidt	Mink
Clark	Hanley	Mitchell, Md.
Clausen,	Hanna	Mitchell, N.Y.
Don H.	Hanrahan	Mizell
Clawson, Del	Hansen, Idaho	Moakley
Cleveland	Hansen, Wash.	Mollohan
Cohen	Harrington	Montgomery
Collier	Harsha	Moorhead,
Collins, Ill.	Harvey	Calif.
Collins, Tex.	Hastings	Moorhead, Pa.
Conable	Hays	Morgan
Conlan	Hechler, W. Va.	Mosher
Conte	Heinz	Murphy, Ill.
Convers	Heckler, Mass.	Murphy, N.Y.
Corman	Hecstoski	Myers
Cotter	Henderson	Natcher
Coughlin	Hicks	Nedzi
Crane	Hillis	Neisen
Cronin	Hinshaw	Nichols
Daniel, Dan	Hogan	Obey
Daniel, Robert W., Jr.	Holfeld	O'Brien
Daniels,	Holt	O'Hara
Dominick V.	Holtzman	O'Neill
Davis, Ga.	Horton	Parris
Davis, S.C.	Hosmer	Passman
Davis, Wis.	Howard	Patman
de la Garza	Huber	Patten
DeClaney	Hudnutt	Perkins
Dellenback	Hunt	Pettis

Peyser	Saylor	Tierman
Pickle	Scherle	Towell, Nev.
Pike	Schneebeli	Treen
Poage	Schbelius	Udall
Poddell	Sciberling	Ullman
Powell, Ohio	Shipley	Vander Jagt
Preyer	Shoup	Vanik
Price, Ill.	Shriver	Veysey
Price, Tex.	Shuster	Vigorito
Pritchard	Sikes	Waggoner
Quie	Sisk	Waldbie
Railsback	Skubitz	Walsh

Randall	Slack	Wampler
Rangel	Smith, Iowa	Ware
Rees	Snyder	Whalen
Regula	Spence	White
Ricd	Staggers	Whitehurst
Reuss	Stanton,	Whitten
Rhodes	J. William	Widnall
Rinaldo	Stanton,	Williams
Roberts	James V.	Wilson
Robinson, Va.	Stark	Charles H., Calif.
Robison, N.Y.	Steed	Wilson, Charles, Tex.
Rodino	Steele	
Roe	Steelman	
Rogers	Steiger, Ariz.	
Roncalio, Wyo.	Rose	
Rosenthal	Roncalio, N.Y.	
Rostenkowski	Roush	
Roussclot	Roussclot	
Roy	Roy	
Royal	Symington	
Runncls	Synmns	
Ruth	Talcott	
Ryan	Taylor, Mo.	
St Germain	Taylor, N.C.	
Sandman	Tengue, Calif.	
Sarasin	Teague, Tex.	
Satterfield	Thomson, Wls.	
Thornton	Zion	

NOT VOTING—42

Adams	Evins, Tenn.	Moss
Ashbrook	Fisher	Nix
Badillo	Flynt	Owens
Blackburn	Frelinghuysen	Quillen
Brasco	Goldwater	Rarieck
Burke, Calif.	Hawkins	Riegle
Carter	Hebert	Rooney, N.Y.
Chisholm	King	Ruppe
Clay	Landgrebe	Schroeder
Cochran	Long, Md.	Smith, N.Y.
Culver	Mailiard	Thompson, N.J.
Danielson	Mathias, Calif.	Van Deerlin
Edwards, Ala.	Mills, Ark.	Wiggins
Esch	Minshall, Ohio	Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Frelinghuysen.
 Mr. Hebert with Mr. Carter.
 Mr. Rooney of New York with Mr. Ruppe.
 Mr. Long of Maryland with Mr. Esch.
 Mrs. Chisholm with Mr. Danielson.
 Mr. Brasco with Mr. King.
 Mr. Mills of Arkansas with Mr. Landgrebe.
 Mr. Evans of Tennessee with Mr. Edwards of Alabama.

Mr. Nix with Mr. Smith of New York.
 Mr. Rarieck with Mr. Ashbrook.
 Mr. Clay with Mrs. Schroeder.
 Mr. Riegle with Mr. Hawkins.
 Mr. Adams with Mr. Mathias of California.
 Mrs. Burke of California with Mr. Goldwater.
 Mr. Moss with Mr. Wiggins.
 Mr. Owens with Mr. Minshall of Ohio.
 Mr. Van Deerlin with Mr. Mailiard.
 Mr. Flynt with Mr. Blackburn.
 Mr. Culver with Mr. Quillen.
 Mr. Badillo with Mr. Bob Wilson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER pro tempore (Mr. O'NEILL). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mr. ARMSTRONG. Mr. Speaker, I should like to announce to the House that I was present in the Chamber last Friday, June 15, at the time of the final passage of the bill H.R. 8619 and did, in fact, put my card to the electronic voting device. Apparently through a malfunction of the device I was not recorded, so I have to announce that I intended to in fact vote for passage of the bill, and should like to have the record so reflect.

JOINT CONGRESSIONAL COMMITTEE ON NATIONAL SECURITY

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, I am introducing a bill today which would establish a Joint Congressional Committee on National Security.

This bill, which has already been introduced in the other body by the distinguished Senator from Minnesota, the Honorable HUBERT HUMPHREY, is in large measure motivated and a result of recent efforts in the area of war powers legislation.

As you know, war powers resolution, House Joint Resolution 542, was favorably reported by the House Foreign Affairs Committee on June 7 by a vote of 31 to 4. It was during the extensive National Security Policy Subcommittee hearings which preceded full committee consideration that the desirability of such a joint committee was once again made clear.

During those hearings it was repeatedly noted the executive branch was reluctant to share information with the legislative branch. The war powers resolution which I authored is aimed at correcting that deficiency as well as reestablishing the balance between the legislative and executive branches in the war-making area envisioned by the Founding Fathers in the Constitution. The bill which I am introducing today complements the war powers legislation in that it will allow Congress to address itself in a more comprehensive way to a thorough and ongoing analysis and evaluation of our national security policies and goals.

It is abundantly clear that the continuing diminution of Congress role in foreign policy is a direct result of a communication breakdown. For too many years the Executive has failed to share with Congress the kind of adequate information needed in matters involving foreign policy. There is no proper and adequate forum for a regular and frank exchange between the Con-